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RULES and ORDERS
Of the COURTS of
England
KING's BENCH
and
COMMON PLEAS

From the 1st. of Queen ANNE to Hillary
Term the 13th. of King GEORGE II.

Together with an
ABSTRACT
OF THE
ACTS of PARLIAMENT,
Relating to the
Practice of the Law.

In the SAVOY:

Printed by E. and R. NUTT, and R. GOSLING, (Assigns of
Edward Sayer, Esq;) for Joel Stephens, at the Hand and
Star, between the Temple-Gates, Fleet-street; and sold by
Thomas Gamul, near the Temple-Cloysters. M DCC XL.

A TABLE to the Rules and Orders in the King's Bench.

Affidavits.

— to be filed, Mich. 9 Geo. 2.

Attorneys.

— to be admitted of some Inn of Court, Mich. 3 Ann.

Bail.

— when to be put in, Mich. 8 Ann. — and justified, Easter 5 Geo. 2.

Exception to Bail, Mich. 8 Ann. reg. 2. Easter 2 Geo. 2. — for how much Bail are liable, Easter 5 Geo. 2. — when and how the Principal must be rendered, Trin. 1 Ann. reg. 1, 2, 3.

Common Bail how filed, Mich. 10 Geo. 2. Trin. 2 Geo. 2.

Declarations.

— delivered with Notice to plead, Trin. 5 & 6 Geo. 2. — by the Bye, Mich. 10 Geo. 2. — *de bene esse*, Mich. 10 Geo. 2. reg. 2. — when to be left in the Office, Trin. 1 Geo. 2. Trin. 2 Geo. 2.

Impar lance.

Easter, 5 Ann.

Inquiry.

— Notice of Executing thereof, Hil. 8 Geo. 1. Trin. 1 Geo. 2.

Judgment.

— signed for not paying for Warrant of Attorney, Mich. 5 Ann. reg. 2. — or Declaration, Trin. 2 Geo. 2. — or for

want of a Plea, Mich. 5 Ann. reg. 3. Trin. 1 Geo. 2. Hil. 2 Geo. 2. reg. 1 & 3. Trin. 5 & 6 Geo. 2. Trin. 10 Geo. 2. reg. 2.

Marshal of the King's Bench.
Mich. 3 Geo. 2.

Pleading.

— in what time Defendant ought to plead, Mich. 5 Ann. Trin. 1 Geo. 2. Hil. 2 Geo. 2. Trin. 5 & 6 Geo. 2. Mich. 10 Geo. 2. reg. 2.

Prisoners.

When and how discharged, Trin. 6 Ann. Trin. 2 Geo. 1. Rules relating to Prisoners in the King's Bench, Mich. 3 Geo. 2.

Records.

Easter, 7 Geo. 1. Mich. 5 Ann. Trin. 10 & 11 Geo. 2.

Rolls.

Mich. 5 Anne.

Sheriffs.

— when to make Return of Writs in six Days, Mich. 6 Geo. 2.

Summons.

Mich. 11 Geo. 1.

Trial.

— Notice thereof, Mich. 4 Ann. Hil. 8 Geo. 1.

Warrants of Attorney.

Mich. 5 Ann. reg. 2.

RULES *and* ORDERS,

IN THE

Court of King's Bench.

Trinity, 1 Anne, 1702.

*Die Jovis
prox' post tres
septiman. scæ.
Trin.*

1. **I**T is Ordered, That if any Person or Persons being, or that hereafter shall become Pledges or Bail in this Court, for any Defendant in any Action whatsoever; and shall be impleaded by Action of Debt upon the Recognizance, in such Suit acknowledged; such Person or Persons shall have Liberty to render such Defendant into the Custody of the Marshal of this Court in Discharge of their Bail, by the Space of eight entire Days in full Term, next after the Return of the *Latitat*, or other Process sued out against such Bail; and upon Notice thereof given to the Plaintiff, or his Attorney (in the Suit aforesaid) all further Proceedings against such Pledges

Trin. 1 Anne.

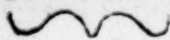
Time of rendering the Principal where Bail are sued on their Recognizance.

See the following Rules, and Mod. Ca. in Law and Equity 340.

A

or

Rules and Orders

Trin. 1 Anne. or Bail, upon the Recognizance aforesaid, shall
 cease.

By the Court.

Eodem Die.

The same Term, 1702.

II. **I**T is Ordered, That where any Defendant in any Action here in Court depending, shall be rendered into the Custody of the Marshal of this Court in Discharge of his Bail, the Attorney for such Defendant shall forthwith give Notice of such rendring to the Plaintiff's Attorney, and shall make Affidavit thereof before the Bail in that Action † *shall be filed or discharged,* and in Default thereof such Tending shall be void.

Notice to be given of rendring the Defendant.
 † *Fuerit affilatus seu exoneratus.*
Mod. Ca. in Law and Eq.
 281, 340.

By the Court.

*Die Mercur.
 prox' post tres
 sept. scilicet Trin.*

Trinity, 3 Anne, 1704.

IT is Ordered, That where any Person shall render himself here in Court, or before one of the Justices of this Court in Discharge of his Bail, or shall be brought here in Court upon a Writ of *Habeas Corpus*, or before one of the Justices aforesaid in order to be committed to the Custody of the Marshal of this Court, such Render, or Writ of *Habeas Corpus*, together with the Return thereof, shall be left with the Secondary of this Court, or the Judge's Clerk before whom such Person was rendered or brought, to be filed; and that a Copy, or Note of such Rendring or Return of the Writ of *Habeas Corpus* under the Hand of such Justice, or the Secondary, shall be delivered to the Marshal of this Court at the Time of the Commitment of such Person

Principal for-rendring himself, the *Reddidit se, &c.* to be left with the Secondary, or Judge's Clerk, and a Note for the Marshal.

in the Court of King's Bench.

to his Custody; and such Copy or Note shall be made and prepared by the Person so rendring himself or prosecuting such Writ of *Habeas Corpus*, or by his Attorney on his Behalf.

Trin. 3 Anne.

See the foregoing Rules.

By the Court.

Michaelmas, 3 Anne, 1704.

WHereas divers Complaints have been made to us, that many Attornies and Clerks of the several Courts at Westminster are not admitted of any of the Inns of Court or Chancery, according to ancient Course and Usage by which they might be resorted to, and Business of Law better managed to the greater Ease of the Queen's Subjects, the Neglect whereof is to the great Detriment and Decay of the Societies of the Law, and divers Inconveniencies do thereupon daily happen; for Prevention whereof, and to establish a Remedy for the future,

It is Ordered by the Judges of the several Courts of Queen's Bench and Common Pleas, and the Barons of the Court of Exchequer at Westminster, That all Attornies and Clerks of the said Courts not already admitted into one of the Inns of Court or Chancery shall procure themselves to be admitted in to one of the said Inns of Court (if those Honourable Societies shall please to admit them) or into one of the Inns of Chancery before the End of Trinity Term now next ensuing, and take Chambers there (if conveniently they may be had) else that they take Lodgings in some convenient Place near the said Inns, and leave Notice in Writing with the Butler or Porter of such Inn whereof they are admitted, where their Lodgings or Habitations are, except such Persons who are or shall be hereafter Inhabitants

That all Attornies cause themselves to be admitted of some Inns of Court, and take Chambers, or else Lodgings in some convenient Place near.

Rules and Orders

Mich. 3 Anne. or House-keepers in *London, Westminster, Southwark*, or the Suburbs thereof, and Liberty of the *Tower of London* and *St. Katherine's* there, and such who are sworn Attornies of any Courts within the said Cities, Town and Liberties.

That none be sworn an Attorney, unless an Attorney, or admitted or entred a Clerk of so admitted, any of the said Courts, or Offices thereunto belonging (except the Persons before excepted) unless first admitted of one of the Inns aforesaid, and bring and produce at the Time of his being sworn an Attorney, or admitted, or entred a Clerk as aforesaid, a Certificate under the Hand of the Treasurer or Principal of the Inn whereof he is admitted, which they are respectively to give without being paid any Thing for the same, testifying such his Admission; which Certificate every Attorney or Clerk so sworn of the said Court of *Queen's Bench* shall deliver to the Secondary of the said Court, and every Attorney so sworn of the Court of *Common Pleas* shall deliver to the Clerk of the Warrants of the said Court, and every Clerk of the said Court so admitted or entred shall deliver to the respective Prothonotary, of whose Office he shall be admitted, and every Attorney so sworn of the said Court of *Exchequer*, or Clerk seated in any of the Offices belonging to the said Court, shall deliver to the *Queen's Remembrancer*, or his Deputy for the Time being, to be by the said respective Officers filed, before the Name of such Attorney shall be entred into the Roll of Attornies, or such Clerk admitted, entred, or seated as aforesaid; unto which file of Certificates the respective Treasurers and Principals of the said Inns of Court and Chancery shall or may from Time to Time resort, as they shall see cause, without paying any thing for the same.

And

in the Court of King's Bench.

And it is further **O**rdere**d**, that no Attor-
ney already sworn, or Clerk already admitted,
entred or seated, or which hereafter shall be
sworn, admitted, entred or seated, and which are
or shall be admitted into any of the Societies
aforesaid, shall put himself out of the Society
whereof he is or shall be admitted, until he be ad-
mitted of some other of the said Societies, and
deliver to the Treasurer or Principal of such So-
ciety whereof he was first a Member, a Certifi-
cate in Writing signed by such Treasurer or Prin-
cipal, testifying his being admitted of such other
Society, except such Person shall totally leave
off the Practice of the Law, as an Attorney or
Clerk in any of the said Courts.

*And whereas by the Usage, Custom or Orders
of the Inns of Chancery, the Members thereof
were obliged to and did come into Commons and
continue therein, according to the Orders of such
Society to their great Ease in transacting their
Causes one with another, and much Benefit to
their Clients ; but of late most or a great Num-
ber of the said Attornies and Clerks have ne-
glected to come into Commons or continue therein
according to the respective Orders of the said Inns
of Chancery, to the great Decay and Detriment
of those Societies.*

It is further **O**rdere**d**, That from the End
of this present Term, the Attornies and Clerks
which now are, or shall be admitted into any of
the Inns of Chancery, do and shall come into
and continue in Commons for the Time or Times,
as by the Orders of such Society whereof they
are or shall be admitted, is, are, or shall be or-
dered limited or appointed for them so to do ;
and in case any Attorney or Clerk aforesaid shall
offend against this Rule or any Part thereof, such
Attorney shall be put out of the Roll of Attor-
nies, and such Clerk so offending shall be dis-
charged

Mich. 3 Anne.

None to put
himself out of
the first Socie-
ty until ad-
mitted in some
other.

That Attor-
nies come into
and continue
in Commons,
&c. under a
Penalty till
Obedience.

Rules and Orders

Mich. 3 Anne. charged and displaced from such Office to which he belongs, until he or they give Obedience to this Order. And the Secondary of the said Court of *Queen's Bench*, and the respective Prothonotaries and Clerk of the Warrants of the Court of *Common Pleas*, and the Queen's Remembrancer of her Court of *Exchequer*, or his Deputy for the Time being, and all other Officers whom it may concern, are hereby required to give Obedience to this Order, and see that the same, as to themselves, be duly observed.

And for the more effectual and better putting in Execution this Order, and that it may procure the good hereby designed and intended;

The Treasurers, &c. to give in a List of such as are not so admitted.

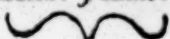
It is hereby further Ordered, That the respective Treasurers and Principals of the Inns of Chancery, and the Ancients, Rulers and Governors of the same do and shall, from Time to Time, by such Ways and Means as they shall see fit and convenient, procure and get a List of the Names of such Attornies and Clerks of the said respective Courts who are not admitted of any of the said Inns of Court or Chancery, which List the said Treasurers and Principals, Ancients, Rulers and Governors shall yearly in *Michaelmas* Term deliver unto the Right Honourable the Lords Chief Justices and Lord Chief Baron of the said respective Courts for the Time being, to the Intent the Offenders against this Order may be compelled to give Obedience to the same.

As also a List of such as Irregularly take upon themselves to practice, to the End they may be proceeded against.

And it is also hereby further Ordered, That the said Treasurers, Principals, Ancients, Rulers and Governors, in like manner procure and get a List of the Names of such Persons as take upon them to practice as Attornies or Clerks in any of the said Courts who are neither sworn Attornies, or admitted, entred or seated Clerks in any of the Offices of the said Courts, which

List

in the Court of King's Bench.

List is be delivered as above, to the Intent that *Mich. 3 Anne.*
such Offenders may be proceeded against in 
such Manner as shall be thought fit.

<i>John Holt.</i>	}	<i>John Powell.</i>	}	<i>R. Tracy.</i>
<i>Tho. Trevor.</i>		<i>Lit. Powis.</i>		<i>Tho. Bury.</i>
<i>Edw. Ward.</i>		<i>Jo. Blencowe.</i>		<i>Ro. Price.</i>
<i>Edw. Nevill.</i>		<i>H. Gould.</i>		<i>J. Smith.</i>

Michaelmas, 4 Anne, 1705.

Die Martis
prox' post
Octab. sci.
Martini.

IT is Ordered. That if the Defendant in any Notice of
Action in *London* or *Middlesex*, and to be Trial after a
tried at the Sittings of the Lord Chief Justice *Ne recipiatur.*
of this Court, shall enter a *Ne recipiatur* and
by reason thereof hinder the Plaintiff that he
cannot proceed at that Sitting, that then it shall
be lawful to the said Plaintiff to proceed to Trial
in the said Cause at the next Sitting of the said
Chief Justice after the Entering of the said *Ne re-* See *Hil. 15 &*
icipiatur, upon Notice given during the said first *16 Car. II.*
Sittings.

By the Court.

Easter, 5 Anne, 1706.

Die Sabbat.
prox' post mens.
Paschæ.

IT is Ordered, That a special Imparance No Special
shall not be allowed the Defendant, with- Imparance
out Leave of this Court first obtained. without Leave.

By the Court.

Mich.

Rules and Orders

Mich. 5 Anne.

Michaelmas, 5 Anne, 1706.

I. **F**OR avoiding many Inconveniencies and Mischiefs which daily happen to the Queen's Subjects who prosecute Suits in this Court, through the Neglect and Mifseazance of many of the Attornies of this Court, and other Persons who practise as such, in not Entring on Record their severall Judgments, Issues, and other Proceedings and Process in this Court, to the great Damage and Loss of their Clients.

That an *Incipitur* be enter'd on the Roll before Judgment signed.

It is therefore Ordered by this Court, That from and after the first Day of next *Hillary* Term, every Judgment in Debt, Case, Covenant, Trepas, Trover, or any other Action, shall be enter'd fairly on the Roll, or an *Incipitur* thereof, before such Judgment shall be signed by the Secondary, or any Judge of this Court, and the Names of the Plaintiff and Defendant, with the County where the Action is laid, and the Nature of the Action, with the Attorney's Name, shall be enter'd in a Book to be kept by the Secondary of the Court for that Purpose, for which nothing shall be paid but the ancient and accustomed Fee for entring such Judgment.

Easter 17 Ja.
I.
Easter 1657.

And no Record of *Nisi prius* sealed, before the Issue or an *Incipitur* be entered.

Trin. 1 Ja. II.
Easter 1657.

And it is further Ordered, That no Record of *Nisi prius* shall be sealed or passed at the *Nisi prius* Office by the *Custos Brevium* of this Court, or any Clerk of that Office, before the Issue in that Cause be fairly enter'd on Record, or an *Incipitur* thereof; and such Entry with the Record of *Nisi prius* be first brought to, and signed by the Secondary of this Court, for which no Fee shall be demanded or paid, but the usual and accustomed Fee due to the Chief Clerk of this Court for Entry of such Issue on Record.

And

in the Court of King's Bench.

And it is further Ordered, That every Attorney shall bring in all his Rolls into the Office fairly ingrossed, in a good full Court Hand, by the Times limited by former Rules; (that is to say) the Rolls of *Trinity, Michaelmas* and *Hillary* Terms, before the Essoin-Day of every subsequent Term, and the Rolls of *Easter-Term* before the first Day of *Trinity-Term*; and that no Attorney at large, or any other Person, shall take any Numbers, or file any Rolls, but the Clerks of the Chief Clerk of this Court only.

Mich. 5 Ann.

Rolls to be brought in.

Mich. 9, and Trin. 10 W.

Numbers for Rolls.

Trin. 1 Ja. II.

J. Holt. J. Powell. Lit. Powis. H. Gould.

The same Term, 1706.

Die Mercur.

prox. post tres

sept. sci. Mich.

II. **I**T is Ordered (in Pursuance of the Act of Parliament lately made and provided to compel the several Attornies of this Court to file their Warrants of Attorney) That the Attorney for the Defendant, at the Time of his Appearance for such Defendant, shall give the Plaintiff's Attorney the Warrant of Attorney for such Defendant; and at the Time of the Delivery of the Copy of the Declaration, or taking thereof out of the Office where it is filed, shall pay four pence for the said Warrant of Attorney, which said Warrant of Attorney, the said Plaintiff's Attorney shall file with the Officer appointed for filing thereof at the same Time when he files or ought to file the Warrant of Attorney for the Plaintiff. And if such Attorney for the Defendant shall refuse to pay the Plaintiff's Attorney the said four pence for the said Warrant of Attorney in Manner and Form as aforesaid, then such Attorney for the Plaintiff upon such Refusal may sign Judgment against the Defendant in such Action, by Default.

By the Court.

B

The

Rules and Orders

Mich. 5 Anne.

*Die Jovis
prox' post
quinden. sci.
Martini.*

The same Term, 1706.

III. **I**T is Ordered, That if any Person or Persons being arrested upon any Writ of *Latitat*, or any other Process issuing out of this Court Returnable here in Court before *three* Weeks of *Easter* in the Term of *Easter*, or the Month of *Michaelmas* in the Term of *St. Michael*, and the Defendant shall appear and put in common or special Bail thereupon, and the Plaintiff shall declare in any Action whatsoever, and shall lay his Action in *London*, or in the County of *Middlesex*, that then if the Declaration shall be delivered to the Attorney for the Defendant, or filed, or left in the Office before the *Effoin-Day* of the Month of *Easter* in *Easter* Term, and before the *Effoin-Day* of the *Morrow of Souls* in the Term of *St. Michael*; then the Defendant in such Action, upon Rules given, shall plead to Issue of the same Term in which the Declaration was delivered, filed, or left, by the Space of two Days next before the *Effoin-Day* of the next Term; otherwise Judgment may be entered by Default: But if the Declaration shall not be delivered, filed or left until after the said several *Effoin-Days* in each Term of *Easter* and *Michaelmas*, then the Defendant shall have until the next Term Leave to plead according to the ancient Course of this Court.

*Settled by the
Rule Trin. 5
& 6 Geo. II.*

By the Court.

Trinity

in the Court of King's Bench.

Trinity, 6 Anne, 1707.

Trin. 8 Anne.

Die Mercur.

prox' post

Octab. scæ.

Trin.

THAT where any Defendant, being a Prisoner in Custody of the Marshal of this Court upon Mesne Process, shall be taken and detained in Custody of any Sheriff of this Kingdom, by Virtue of a Judge's Warrant of this Court, for an Escape made from the Custody of the said Marshal,

It is Ordered, That the Plaintiff in such Action shall Declare against the said Defendant in Custody of such Sheriff, before the End of the second Term after such taking and detaining, otherwise a *Supersedeas* may be made for the said Defendant.

Plaintiff must

Declare a-

gainst Prisoner on Mesne

Process in 2

Terms after

taken on E-

scape War-

rant, and in

Custody of a

Sheriff.

Trin. 2 Geo. I.

By the Court.

Michaelmas, 8 Anne, 1709.

Die Veneris

prox' post crast.

Animarum.

IT is Ordered, That where any Defendant shall be arrested by the Sheriffs of London or Middlesex, by Process issuing out of this Court, and shall give to such Sheriff a Bail-Bond for their Appearance on the Day of the Return of such Process, such Defendant shall have Leave for four Days after that Return to put in good Bail at the Suit of the Plaintiff in such Process, and in that Time all Proceedings upon the Bail-Bond to the Sheriff shall stay. And in Case of Arrest of any Defendant in any other County of this Kingdom, by Process issuing out of this Court, as aforesaid, such Defendant shall have Leave for six Days to put in good Bail, after the Return of such Process, without any Prose-

On Arrest in

London or

Middlesex,

Bail to be put

in in 4 Days.

In other

Counties in 6.

Former Rules,

Easter 11 W.

III.

8 W. III.

1696.

Rules and Orders

Mich. 8 Anne. cution whatsoever to be made in the Interim on
the Bail Bond to the Sheriff.

By the Court.

*Die Martis
prox' post crast.
Animarum.*

The same Term, 1709.

Exception to
be made with-
in 20 Days
after Notice of
Bail.

*Easter 5 Geo.
II.*

II. **I**T is Ordered, That no Exception to Special Bail, put in before any Justice of this Court, shall be made for the future, after twenty Days Notice given of such Bail being put in, according to the Custom of this Court; and that Exception after that Time made shall be Void, and of no Force.

By the Court.

Rules and Orders

I N T H E

Court of King's Bench.

*Die Mercur.
prox' post tres
septiman. scæ.
Trin.*

Trinity, 2 Geo. I. 1716.

That for want
of a Declaration
against a
Defendant in
Custody with-
in two Terms,
he may be dis-
charged on

IT is Ordered by the Court, That if any Defendant shall be committed to the Custody of the Marshal of this Court, or shall be charged in Custody of the said Marshal, or shall be Arrested, or Committed by Virtue of Process of this Court to the Custody of any Sheriff, or other Officer whatsoever, at the Suit of any Plaintiff, and shall so in Custody remain for two Terms; and

in the Court of King's Bench.

and the Plaintiff shall not Declare against such Defendant within that Time; that then such Defendant, after the End of the *second Term after such Imprisonment, shall be discharged out of the Prison where he shall be so detained on filing Common Bail, signed by one of the Justices of this Court, without giving Notice to the Defendant, or his Attorney. And if such Plaintiff shall Declare against such Defendant, a Prisoner in Custody of the Marshal of this Court, or any Sheriff or other Officer as aforesaid remaining, and shall not proceed to Trial or Judgment within three Terms next after such Declaration delivered, or if any Plaintiff shall obtain Judgment in the Court here in any Action against any Defendant a Prisoner, and shall not charge the said Defendant so in Prison remaining, in Execution upon the Judgment so obtained, within two Terms next after such Judgment so had and obtained; then such Defendant so in Prison remaining shall have Leave to file Common Bail, or to sue out a Writ of *Supersedeas* from the Court here, according to the Custom of this Court for his Discharge out of Custody aforesaid where he shall be so detained, to be granted by one of the Justices of this Court, if Cause shall not be shewn to the Contrary by the Plaintiff or his Attorney, upon Notice to them or either of them given by the Attorney for the Defendant.

* The Term in which the Process is Returnable to be accounted one.

Trin. 2 Geo. I.

Common Bail without Notice.

That for want of proceeding to Trial or Judgment

within three Terms, or of charging in Execution within

2 Terms, Defendant

shall be discharged on Common Bail, Notice being given to the Plaintiff.

Stats. for Relief of Prisoners, 2 Geo.

II. cap. 22.

3 Geo. II.

cap. 27.

8 Geo. II.

cap. 24.

10 Geo. II.

cap. 26.

11 Geo. II.

cap. 9.

If the Defendant supersede for want of Proceedings before Judgment, yet the Plaintiff may after Judgment obtained take the Defendant in Execution; but otherwise if the Defendant Supersede for want of charging in Execution.

Before a Prisoner can be discharged a Certificate must be had from the Clerk of the Declarations of none being filed, under the Certificate of the Clerk of the Papers of the *King's Bench* Prison, Gaoler, &c. of the Causes he stands Charged with.

dant,

Rules and Orders

Trin. 2 Geo. I. dant, and Oath of the said Notice to be made, if the said Plaintiff shall not appear before the Judge aforesaid, to hinder filing the Common Bail aforesaid, or making the said Writ of *Superfedeas*.
Confectionem. Notice is to be given to the Plaintiff, his Attorney or Agent, by Summons from a Judge.

By the Court.

If the Prisoner be in Custody of the Marshal, a Certificate from the Clerk of the Bails, of Common Bail being filed by Order of a Judge is sufficient to the Marshal without *Superfedeas*. But if in Custody of a Sheriff, &c. a *Superfedeas* issues on filing Common Bail signed by a Judge.

*Former Rules,
 Easter, 16
 Car. II.*

Easter, 7 Geo. I. 1721.

*Easter, 5 W.
 & M.*

Trin. 9 W. III.

Trin. 6 Ann.

Records.

Trin. 1 Ja. II.

IT is Ordered, That all Records of *Nisi prius* in London and Middlesex, be sealed on or before the respective Days appointed (by the Lord Chief Justice) in the Sittings-Paper for their Trial.

By the Court.

*Die Luna prox'
 post Octab. pur'
 Beata Maria.*

Hillary, 8 Geo. I. 1721.

Obtuler'

Paper Books.

WHereas great Delays often happen to the Plaintiffs in their Suits in this Court by reason of Demurrers in Law by the Defendant's Attorney, after the said Plaintiff hath tendred the Issue to be tried by the Country upon the Plea of the said Defendant pleaded, and hath delivered the Paper-Book with Notice of Trial, according to the Course of this Court, so that after Judgment obtained by the Plaintiff upon such Demurrer in Law, there is not sufficient Time in the Term to give Notice of executing a Writ

in the Court of King's Bench.

of Enquiry of Damages, within that Term of Hil. 8 Geo. I. which the Judgment hath been so obtained;

Therefore it is Ordered for the future, That in every Cause where the Plaintiff shall conclude to the Country upon the Defendant's Plea, and shall give Notice of Trial of the Issue upon the Paper-Book as aforesaid, and thereupon the Defendant, to hinder the Trial of the Issue, shall demur in Law, upon the Replication or Plea of the Plaintiff, and the Plaintiff shall join in such Demurrer, and thereupon shall obtain Judgment, the Attorney for the Defendant shall be obliged to accept of * Notice of executing the Writ of Inquiry of Damages from the Time of Notice of Trial given upon the Paper-Book, as aforesaid.

Where the Plaintiff concludes *ad patriam*, and the Defendant Demurs, he shall be obliged to accept of Notice of executing the Inquiry from the Time of Notice given of Trial.

By the Court.

Michaelmas, 11 Geo. I. 1724.

It is Ordered, That no Attorney or other Person shall be summoned to attend any Judge of this Court, nor any Matters be transacted before such Judge at his Chambers, or elsewhere out of Court, during the Sitting of this Court at *Westminster*; and all Orders, and other Transactions so to be made by such Judge shall be vacated.

No Attendances during the Sitting of the Court.

By the Court.

* But the Plaintiff ought to give Notice of the Hour and Place of executing the Inquiry.

Trinity,

Rules *and* Orders

IN THE

Court of King's Bench.

Trinity, 1 Geo. II. 1727.

*Stat. 12 Geo.
I. cap. 29.*

Where the Plaintiff appears for the Defendant, the Declaration shall be left in the Office, and Notice thereof given the Defendant. Declaration well delivered from the Time of such Notice.

TO establish the Practice of this Court upon the late Act of Parliament for preventing Frivolous and Vexatious Arrests,

It is Ordered, That from and after the last Day of this present Term, in all Causes where a Copy of the Process of this Court is served upon any Defendant or Defendants, and an Appearance is entred, or common Bail filed for such Defendant or Defendants, by the Plaintiff's Attorney, pursuant to the said Act, the Plaintiff's Attorney in such Case shall leave a Copy of the Declaration in the Office with the proper Officer appointed for that Purpose, and likewise give Notice thereof to the Defendant or Defendants, by delivering an *English* Notice, written in Secretary Hand, to such Defendant or Defendants, in which Notice shall be likewise expressed the Nature of the Action, and at whose Suit prosecuted, and the Time limited by the Rules

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And
fendanc
Time to
It i
next H
lowed si
any Ru
R

* Sund
and Eq.

in the Court of King's Bench.

of this Court, for such Defendant or Defendants *Trin. 1 Geo. II.*
to plead to such Action; and that in case such
Defendant or Defendants do not plead to such
Declaration by such limited Time, so to be ex- *See Trin. 5 &*
pressed in such Notice, Judgment will be enter'd *6 Geo. II.*
against such Defendant or Defendants by De-
fault. And from the Time of giving such No-
tice as aforesaid, such Declaration shall be
deemed well delivered to such Defendant or
Defendants, and not otherwise.

And in case such Defendant or Defendants *If no Plea,*
(after such Notice given) do not plead by the Judgment
Time the Rules for pleading are out, the Plain- *may be signed,*
tiff in such Case may sign his Judgment with- *and Notice of*
out any other or further calling for a Plea, and executing In-
thereon give Notice of executing his Writ of *quiry given.*
Inquiry, either by delivering a Notice in Writing
to such Defendant or Defendants; or by leaving
the same at the last or most usual Place of Abode
of such Defendant or Defendants; which shall
be a sufficient Notice to such Defendant or De-
fendants of the Time of executing such Writ of
Inquiry.

And whereas by the Rules of this Court, De- *For the future*
fendants have usually been allowed eight Days *only 4 Days*
Time to plead; *allowed to*

It is further Ordered, That from and after *plead.*
next *Hillary* Term, * four Days only shall be al- *See Trin. 5 &*
lowed such Defendants from the Time of giving *6 Geo. II.*
any Rules to plead. *enlarged as to*
Country

R. Raymond. J. Reynolds. E. Probyn. Causes.

* Sunday not included in the 4 Days. *Cases in Law*
and Eq. 21.

C

Hillary,

Rules and Orders

Hil. 2 Geo. II.

*Die mercur'
prox' post oc-
tab' pur' bea-
te Mariæ.*

A General
Rule,
That where
the Cause of
Action is spe-
cially set forth
in the Writ,
the Defen-
dant shall
plead without
Imparance as
by Original.
*Enlarged to all
Process in com-
mon Form,
by Trin. 5 &
6 Geo. II. and
see Stat. 5 Geo.*

Hillary, 2 Geo. II. 1728.

I. **I**T is Ordered, That where any Defendant shall be arrested by Virtue of any Process issuing out of this Court, in which the Cause of Action shall be specially set forth and expressed; or a Copy of such Process shall be delivered to any Defendant, according to the Form of the Statute in such Case lately made and provided; and the Plaintiff thereupon shall declare; the Defendant in such Case shall not have Liberty of Imparling, without Leave of the Court, in that Behalf first to be granted; but shall plead there- to, within the Time by the Course of the Court allowed a Defendant, prosecuted by Ori- ginal Writ; and on Default thereof, Judgment may be entred against such Defendant by De- fault.

By the Court.

II. c. 27. No special Writ nor Process specially expressing the Cause of Action shall issue, unless the Cause of Action amount to 10 l.

The same Term, 1728.

Notice fixed
up in the
King's Bench
Office.

II. **A**LL Clerks and Attornies, that intend to proceed according to the above Rule, are to take Notice, that in suing out such Writs they do not insert in the Acetiam the whole De- claration at length, but only describe the Cause of Action shortly according to the Specimen here- under set forth, varying the same as the Na- ture of the Action shall require.

Goods fold,

Of a Plea of Trespass
And also to a Bill of the said Q. against the afore-
said D. for fifty Pounds, for divers Goods, Ware

in the Court of King's Bench.

and Merchandizes sold and delivered to the said Hil. 2 Geo. II. D. by the aforesaid Q. according to the Custom, ~~~~~

— for 50l. as well for divers Goods, Wares and Money and Merchandizes, sold and delivered, as for di- laid out. vers Sums of Money by the said Q. for the said D. and for his Use and at his Request, laid out and expended.

— as well for divers Sums of Money to the Money lent said D. by the aforesaid Q. lent and accom- and received. modated, as for divers Sums of Money, by the said D. for the said Q. and to the Use of the said Q. had and received. —

— of a Plea that he render to him C l. Debt. which to him he owes, and from him unjustly detains.

— of a Plea that he keep to him the Co- Covenant. venant between the aforementioned Q. and the aforesaid D. made, according to the Form and Effect of a certain Indenture between them made and executed.

— for that, that the said D. with Force Assault. and Arms upon the said Q. made an Assault, and him beat, wounded and ill treated, to the Damage of the same Q. 10l.

The same Term, 1728.

III. **P***Raeticians are to take Notice, That for the Notice fixed future no Distinction, as to the Time of up in the signing Judgments, will be made betwixt Town King's Bench and Country Causes; but that in all Cases, the Office. Plaintiff is at Liberty to sign his Judgment the Day after the Rules for pleading are out; De- clarification*

Rules and Orders

*Hil. 2 Geo. II. declaration having been regularly delivered and
 filed, and Defendant, or his Agent, being called
 See Trin. 5 & upon for a Plea, according to the Rules and
 6 Geo. II. Course of the Court.*

*Die lune prox'
 post crastin' af-
 cens' Domini.*

Easter, 2 Geo. II. 1729.

That Exceptions to Bail by Original, be entred in the Filazer's Book.

*Mich. 8 Ann.
 Easter, 5 Geo.
 II.*

IT is Ordered, That in all Causes prosecuted by Original Writ, where Special Bail is put in, if the Plaintiff will except against such Bail, the Exception shall be thereupon entred in the Filazer's Book, and Notice thereof forthwith given to the Attorney for the Defendant, as is required in Causes brought by Bill.

By the Court.

*Die mercur'
 prox' post Sep-
 timan' Scae'
 Trin.*

Trinity, 2 Geo. II. 1729.

A General Rule,
 That where special or common Bail is filed, and Notice given, Declaration shall be delivered to the Defendant's Attorney; but on Refusal to pay for it, or not knowing where he lives, it may be left in the Office, and Notice thereof given, and from such Notice only well delivered.

IT is Ordered, That in every Cause where special or common Bail shall be filed, and Notice thereof shall be given to the Attorney for the Plaintiff, a Copy of the Declaration shall be delivered to the Attorney for the Defendant, who shall pay for the same according to the usual Rate; but if the Attorney for the Defendant, or his Clerk in his Absence, refuses to pay for such Copy, or if it happen, that the Abode of the Defendant's Attorney be unknown to the Attorney for the Plaintiff, then it shall be lawful to leave such Copy with the Officer of this Court appointed for affiling Declarations; and Notice thereof must be forthwith given to such Defendant, or his Attorney;

Hil. 8 Car. I. Trin. 12 W. III. Trin. 1 Geo. II.

and

The Court of King's Bench.

and such Declaration shall be held well delivered from the Time of such Notice only.

By the Court.

Michaelmas, the 3d of K. Geo. II. 1729. Friday next after 15 Days of St. Martin, the 3d of K. Geo. II.

RULES and ORDERS for the better Government of the King's Bench Prison.

I*t is Ordered by the Court, That for the Time to come the several Orders or Rules hereunder wrote and established, pursuant to an Act of Parliament made and published in the second Year of the Reign of our Lord George the Second, now King of Great Britain, &c. entituled, An Act for the Relief of Debtors with respect to the Imprisonment of their Persons, be well, strictly and truly observed and kept, as well by the Marshal of the Marshalsea of this Court, and all his Officers and Servants, as by all Prisoners who now are, or at any Time hereafter shall be committed to the Custody of the said Marshal.*

A general Rule for the better Government of the King's Bench Prison.

And it is further Ordered, That this Rule, with the aforefaid several Orders or Rules here following wrote, be fixed in the most publick Place within the Prison of this Court commonly called the King's Bench Prison, for the Use, Benefit and Inspection of the Prisoners within the aforefaid Prison.

By the Court.

I. That

Rules and Orders in

Mich. 3 Geo. 2.

Rules relating
to the Mar-
shal.

1. That the Marshal of the *Marshalsea* of this Court do cause a Pair of Stocks to be kept up in the Prison (as has been antiently practised,) for the Punishment of such Prisoners as shall blaspheme the Name of God, be guilty of Swearing, or behave themselves in a disorderly Manner.

2. That the said Marshal be and is hereby strictly enjoined not to make use of any illegal Means of Confinement of any Prisoner in his Custody, upon any Pretence whatsoever; not to confine any Prisoner in the Hole or Room commonly called the Strong Room, or any other unusual Place of Restraint; nor make use of any other extraordinary Means or Methods, for the Confinement of any Prisoner, unless such Prisoner shall have been found actually attempting or endeavouring to break the Prison, with an Intent to escape out of the Custody of the said Marshal. And every Prisoner so confined shall have Liberty to appeal to this Court in Term-Time, or to the Lord Chief Justice, or to any other Judge of the said Court, in Time of Vacation, for Redress.

3. That the said Marshal do not presume to sue, or procure to be sued out, any Writ of *Habeas Corpus*, to remove any Prisoner from the Prison of the *King's Bench* to the Prison of the *Fleet*.

4. That

The Court of King's Bench.

4. That the said Marshal do not presume to turn any Prisoner back from the Common Side to the Master's Side, without reasonable Cause, giving such Prisoner three Days Notice of such his Intention to remove him, during which Time the said Prisoner shall have Liberty to appeal to any Judge of this Court, against such intended Removal, in order to prevent the same; pending which Appeal, the said Prisoner shall be allowed his daily Subsistence as before; and in the mean Time, his Share of all Dividends, and other Advantages shall be reserved till such Appeal shall be determined. *Mich. 3 Geo. 2.*

5. That in case any Prisoner die within the said Prison, that the said Marshal shall forthwith give Notice to the Coroner, in order that he may inquire, according to Law, how such Prisoner came by his Death.

6. That the said Marshal do take effectual Care that no Garnish, or other Exaction, be extorted from any Prisoner or Prisoners under his Custody; and do also take proper Care that no Prisoner or Prisoners be deprived of his or their Share, Dues and Dividends, on any Pretence whatsoever.

7. That the said Marshal do take effectual Care that all and every Prisoner and Prisoners detained in the *King's Bench* Prison be permitted and suffered, at his, her, and their Will and Pleasure, to send for and have any

Rules and Orders in

Mich. 3 Geo. 2. any Beer, Ale, Victuals, or other necessary Food, from what Place they please; and also to have and use such Bedding, Linen, and other Things as he, she, or they shall think fit, without purloining or detaining the same, or any Part thereof, or inforcing or requiring him, her, or them to pay for the having or using thereof, or putting any manner of Restraint or Difficulty upon him, her, or them in using thereof, or relating thereto, pursuant to the several Statutes in that Case made and provided.

8. That the said Marshal do cause a Table of Fees, as the same shall be settled and confirmed, in pursuance of an Act of Parliament made in the Second Year of his present Majesty's Reign, intituled, *An Act for Relief of Debtors with respect to the Imprisonment of their Persons*: And also a Table of these Rules, together with a List or Table of all Gifts, Legacies, and Bequests, for the Benefit of the Prisoners in the said Prison, fairly written in a plain and legible Hand, to be hung up in some open and publick Room or Place in the said Prison, there to remain and be resorted to by every Prisoner, as Occasion shall require, without Fee or Reward, pursuant to the Directions of the said Act.

9. That the said Marshal do use his utmost Endeavour, by all fair and legal Methods, to prevent Escapes; and that he, and all Officers under him, do treat the several Pri-

The Court of King's Bench.

Prisoners under his Care with the utmost *Mich. 3 Geo. 2.*
Tenderness and Humanity, as far as can be
consistent with the safe Custody of such Pri-
soners. And that neither the said Marshal,
nor any Officer or Servant employed by
him, do demand, take, or receive, directly
or indirectly, of any Prisoner or Prisoners
for Debt, any other or greater Fee or Fees
whatsoever for his, her, or their Commit-
ment, Chamber-Rent, Release, or Discharge,
than what shall be mentioned and allowed in
such List or Table of Fees, so to be hung up
as aforesaid.

10. That the Turnkeys of the said Prison do diligently attend at the Gate or Door of the said Prison, as the Duty of their Office requires, and do admit all such Persons to have Access to any of the Prisoners as by Law are intitled thereto.

Rules relating
to the Officers
and Servants
of the Mar-
shal.

11. That no Cellar-man, Turnkey, or other Officer or Servant of the Marshal whatsoever, shall have or pretend to have any Share or Part in the Charities belonging to the Prisoners, or bear any Office in the said Prison, which may intitle him to any Power in the Disposition or Receipt of the said Charities.

12. That the Chapel be continued in the Prison aforesaid, and kept in good Repair; and that the Chaplain do constantly attend and perform Divine Service, and administer the Sacraments therein at the usual and pro-
per

Rules relating
to Prisoners
in general.

Rules and Orders in

Mich. 3 Geo. 2. per Times, according to the Rites and Ceremonies of the Church of *England*.

13. That no Prisoner wrong or abuse another, upon Pain of being punished, by setting him in the Stocks for such Time, as the Marshal of this Court, with the Consent of the Steward and Assistants, or any two of them, shall think proper.

14. That the Room, commonly called the Dining-Room, be reserved and kept in good Repair, for the Use and Benefit of the Prisoners, for the Exercise of Devotion, or for Conversation. And that a Fire be kept therein as often as the Rigour of the Season shall require. And that the two Rooms under the Dining-Room be reserved for the Use of such Prisoners, as shall be afflicted with any Disease or other Infirmary that may require such an Accommodation.

Rules relating
to Prisoners
on the Com-
mon Side.

15. That every Prisoner, who shall make Oath before one of the Judges of this Court, or a Commissioner empowered by this Court, or one of the Justices of the Peace for the County of *Surry*, That he or she cannot command five Pounds, and cannot subsist without the Assistance of the Charities belonging to the Common Side, shall immediately be admitted to the said Common Side, and be capable of being elected into all Offices, and intitled to all Shares, Dividends, and Profits belonging to the same.

16. That

The Court of King's Bench.

16. That no Person committed for any criminal Matter shall have any Vote or Suffrage in the electing a Steward, or other Officer of the Common Side, nor shall receive any Share of the Charities belonging to the said Prison, other than his Share of such Profits and Advantages as shall arise from the Baskets. *Mich. 3 Geo. 2.*

17. That every Prisoner shall be admitted to lodge in a Cabin within the respective Ward to which he or she shall belong, without Fee or Reward.

18. That every Prisoner shall be capable of being chosen in his Turn an Assistant, and be intitled to such Allowances, and other Advantages, which, by the Usage of the said Prison, such Assistants have heretofore usually received and enjoyed.

19. That the Seal belonging to the Common Side of the said Prison be kept by the Master of the *King's Bench* Office, (as of late it hath been:) And that the said Seal be not affixed to any Receipt, or other Instrument, till the same be approved and signed by the Marshal, with the Consent of the Prisoners of the said Common Side, signified under the Hand of their Steward and Assistants. *Rules relating to the Revenue.*

20. That if any Prisoner on the Common Side of the said Prison be charged with one Action

Rules and Orders in

Mich. 3 Geo. 2. Action only, and such Action be superseda-
ble, that the same be superseded with the
Money belonging to the Prisoners of the
said Common Side, by their Consent, signi-
fied under the Hands of their Steward and
Assistants, and signed by the Marshal; but
in case any such Prisoner be charged with
more than one Action, such Actions shall
not be superseded with the Money belonging
to the said Prisoners, unless an Order for
that Purpose be obtained upon Application
to this Court in Term-Time, or to the Lord
Chief Justice, or one other of the Judges
of this Court in Vacation. And that no
Clerk to any of the Judges of this Court
shall demand or take any Fee or Reward,
on account of superseding any such Action
or Actions with the said Prisoner's Money,
or for any Matter or Thing relating there-
unto.

21. That particular Care be taken of all
Prisoners of the Common Side, who at any
Time shall happen to be sick; and that all
proper Necessaries shall be provided for
them, by the Steward and Assistants; and
that they be reimbursed out of the first
County-Money.

22. That whatsoever Debts are reasonably
contracted by the Steward and Assistants,
with the Concurrence of the Marshal, and
Master of the *King's Bench* Office, for the
necessary Support of the poor Prisoners; the
same shall be enter'd by the Steward and
Assistants

The Court of King's Bench.

Assistants for the Time being, in their House-Books, and be repaid out of the next Dividend. *Mich. 3 Geo. 2.*

23. That no Money shall be allowed to the Steward and Assistants, on Pretence of their sitting on House-Business, or adjusting Differences between Prisoner and Prisoner.

24. That any Prisoner that comes into the said Prison, after the first Day of *Easter* Term, shall have but one Quarter of *Midsummer* Dividend.

25. That all the Money brought to the Prison by the Basketmen, and their Boxes, as also such Money as is brought for the Prisoners Use and Relief by the Boxes, which come in at *Christmas*, *Easter*, and *Whitsuntide*, be immediately divided to each Prisoner, in due Shares and Proportions, making the Basketmen such reasonable Satisfaction for their Trouble, as hath been heretofore usually allowed.

26. That in case the said Marshal, in Aid of the said Steward and Assistants, shall advance any Money for superseding any Action or Actions against any Prisoner or Prisoners, as is herein before directed, the said Marshal shall stand in the Place of the said Steward and Assistants, and be accordingly reimbursed out of the next County Money.

27. That

Rules and Orders in

Mich. 3 Geo. 2.

Rules relating
to the Officers
on the Com-
mon Side, and
to their Beha-
viour.

27. That the Prisoners of the Common Side have full Power to make a free and open Election of a Steward every Year; and that no Prisoner who hath the Liberty of the Rules, or Liberty to go out of the Walls of the said Prison, shall have any Vote in the Election of such Steward, or of any other Officer of the Common Side of the said Prison. And that such Steward so elected, shall continue in the said Office for the Space of one Year, unless removed upon Application made to the said Court in Term-Time, or in Time of Vacation to one of the Judges thereof.

28. That the Steward of the Common Side of the *King's Bench* Prison do keep a Book or Register, wherein shall be entered a Copy of the Table of Fees herein before directed to be hung up in the said Prison, together with a Copy of these Rules and Orders: And also a List of the several Charities belonging to the said Prison, for the Use of the said Prisoners. And that every Prisoner have Liberty at all convenient Times to inspect the said Book, and also the Steward's Accounts.

29. That if any Prisoner be wronged or abused by the Steward and Assistants, or any of them, of his or her Rights and Dues, that he or she complaining to the Court in Term-Time, or in Time of Vacation to the Lord Chief Justice, or to any of the Judges of

The Court of King's Bench.

of the Court, or to the Marshal of the said Court, shall (provided they prove the Cause of their Complaints to be true) have a reasonable Allowance made them for their Costs and Charges upon the said Complaints, to be paid out of the next Dividends belonging to the Steward and Assistants, or such of them who shall appear to have wronged such Person complaining; or if the Complaint prove groundless, that the Person complaining do in like Manner make Satisfaction for such groundless Complaint, out his Share of the next Dividend.

Mich. 3 Geo. 2.

30. That if any of the Assistants, or the Steward, shall mispend or waste, or by any Ways or Means lavishly consume the House-Money, that the next Assistants, or any succeeding them, may call the former to Account for the same; and upon plain Proof of the aforesaid Mispent-Money, cause all the Dividend or Dividends, as well at the Grate as otherwise, to be taken, stopt, and kept for Reparation of the Injury done to the Prisoners in general, and to be put into the House-Box until equally divided to each Prisoner in their due Shares and Proportions.

31. That the Steward and Assistants do cause these Orders to be read every third *Monday* at the first Basket, being the usual Day for chusing the Officers and settling the House-Accounts.

32. That

Rules and Orders in

Mich. 3 Geo. 2.

32. That the Marshal of this Court, and all his Officers and Servants, and all Prisoners within the said Prison, do strictly and punctually observe and keep the several Rules, Orders, and Directions herein before-mentioned, under Pain of incurring the utmost Punishment that by Law can be justly inflicted upon them respectively.

33. Lastly, It is hereby strictly ordered and enjoined, that no Clerk, Officer, or Servant whatsoever, belonging to any Judge of this Court, shall directly or indirectly demand, receive, or take any Gratuity, Fee or Reward whatsoever, for or by Reason of any Petition, Complaint, or Application that shall be made to any Judge of this Court, by any Prisoner or Prisoners of the said Prison, pursuant to or founded upon any of the Rules and Orders herein before-mentioned.

Nov. 25. 1729.
the 3d of King
Geo. II.

R. Raymond.
Ja. Reynolds.
E. Probyn.

Easter,

The Court of King's Bench.

Easter, the 5th of K. Geo. 2d. 1732.

1. **I***T is Ordered,* That in every Action in Bail, on Exception there-
this Court, where special Bail is put in, to, must justify
and an Exception entered against the said in four Days,
Bail, and Notice of such Exception is given if in Term,
in Writing to the Defendant's Attorney, the or on the first
Defendant shall procure his said Bail to justify Day of the
if the Notice be given in Term-Time, in four next Term if
Days after such Notice, or shall add other in the Vaca-
Bail, who shall justify within the said four tion.
Days; but if such Exception be entered in
Vacation Time, and Notice thereof be given
in like Manner, the Bail put in, or other ad-
ditional Bail, shall justify upon the first Day
of the subsequent Term.

By the Court.

The same Term. 1732.

2. **I***T is Ordered,* That where the Plaintiff Bail liable for
declares for, or recovers a greater Sum so much as in
than is expressed in the Process on which he the Affidavit,
declares, the Bail shall not be discharged, but tho' the Plain-
be liable for so much as is sworn to and in- tiff declares
dorsed on the said Process, or for any lesser for, or reco-
Sum, which the Plaintiff in such Action shall vers more
recover, any Rule of this Court to the con- than in the
trary notwithstanding. Process.

By the Court.

Trinity,

Rules and Orders in

Trinity, 5th and 6th of K. Geo. 2d. 1732.

A General
Rule.

Time of
pleading.

See *M. 10*
Geo. II. Hill.
2 Geo. II. and
Trin. 1 Geo.
II.

It is Ordered, That upon all Proceſs to be ſued out of this Court, returnable the firſt or ſecond Return of any Term, if the Plaintiff declares in *London* or *Middleſex*, and the Defendant live within twenty Miles of *London*, the Declaration ſhall be delivered with Notice to plead within four Days after the Delivery thereof, and the Defendant ſhall plead within the ſame four Days, without any Impar lance, and in caſe the Plaintiff declares in any other County, or the Defendant lives above twenty Miles from *London*, the Declaration ſhall be delivered, with Notice to plead within eight Days after the Delivery thereof, and the Defendant ſhall plead within the ſaid eight Days without any Impar lance; and on Default of pleading as aforeſaid, the Plaintiff may ſign his Judgment, any Rule of this Court to the contrary notwithstanding.

By the Court.

Michaelmas, the 6th of K. Geo. 2d. 1732.

Sheriffs.

Notice is hereby given to all Sheriffs and Under-Sheriffs, That upon being ſerved with a Rule, peremptorily to return any Writ iſſuing out of this Court, or to bring in the Body of any Defendant within ſix Days after Notice; if the ſame be not done in the ſaid Time, they will be liable to an Attachment without a further Rule as heretofore.

By the Court.

of the Court of King's Bench.

Mich. 9 Geo. II. 1735.

Mich. 9 Geo. II.

Notice fixed up in the King's Bench Office.

THE Court having declared, that no Affidavit sworn before a Commissioner in the Country, ought to be or shall be at any Time hereafter read in Court, or before the Master, but that every such Affidavit ought first to be filed, and a Copy thereof made, and such Copy read:

It is desired, That all such Affidavits be brought to the Clerk of the Rules of this Court, to be filed in such convenient Time, that Copies of them may be duly made, and delivered to the Party filing the same.

Affidavits taken in the Country to be filed before read.

Mich. 10 Geo. II. 1736.

I. A General Rule, for settling and declaring the Practice of this Court touching Declaring by the Bye, in Cases where the Plaintiff in any Action or Suit, hath filed or shall file common Bail for the Defendant, pursuant to the late Act of Parliament, For preventing Frivolous and Vexatious Arrests. Stat. 12 Geo. I. cap. 29.

It is Ordered, That in all such Cases the Plaintiff Declaring by in such Action or Suit, wherein common Bail hath been the Bye. or shall be so filed as aforesaid, may deliver a Declaration by the Bye against such Defendant, in like Manner as might have been done by the antient Course of this Court: But that no other Person, except such Plaintiff, is or shall be capable of delivering a Declaration by the Bye, against any Defendant, by reason of common Bail being so filed by any Plaintiff as aforesaid.

And for the better distinguishing by whom common Bail shall have been filed in any Action or Suit; **It is further Ordered,** That from and after the last Day of this Term, in all Cases where common Bail shall be filed by the Plaintiff for the Defendant, by Virtute of the said Act, these Words shall be written on the Bail-piece, viz. (Filed according to the Statute) or Words to the like Effect. Bail-piece.

By the Court.

The

Rules and Orders

The same Term, 1736.

Mic. 10 Geo. II.

A General
Rule.

Delivering
Declarations
de bene esse.

II. **I**T is Ordered, That from and after the last Day of this Term, upon all Proceſs to be iſſued out of this Court, returnable the firſt or ſecond Return of any Term, where no Affidavit ſhall be made and filed of the Cauſe of Action, purſuant to the late Act of Parliament *For preventing Frivolous and Vexatious Arreſts*, the Plaintiff may deliver the Declaration *de bene eſſe*, at the Return of ſuch Proceſs, with Notice to plead in eight Days after the Delivery thereof; and if the Defendant doth not file common Bail, and plead within the ſaid eight Days, the Plaintiff having filed common Bail for ſuch Defendant according to the ſaid Act, may ſign Judgment for want of a Plea, a Rule to plead being duly entered.

And it is further Ordered, That from and after the laſt Day of this Term, upon all Proceſs to be iſſued and made returnable as aforeſaid, where an Affidavit ſhall be made and filed of the Cauſe of Action, purſuant to the ſaid Act, the Declaration may be delivered *de bene eſſe*, at the Return of ſuch Proceſs, with Notice to plead in four Days after ſuch Delivery, if the Action be laid in *London or Middleſex*, and the Defendant lives within 20 Miles of *London*; and in eight Days, if the Action is laid in any other County, or the Defendant lives above 20 Miles from *London*; and if the Defendant puts in Bail, and doth not plead within ſuch Time as is reſpectively before-mentioned, Judgment may be ſigned, a Rule to plead being duly entered.

By the Court.

Trin. 10 & 11 Geo. II. 1737.

Trials and
Entering Re-
cords.

TO prevent Delays in the Trial of Cauſes in the Circuits, It is Ordered by all the Judges of England, That in every Cauſe to be tried before them in their reſpective Circuits, the Writ and Record ſhall be entered together, and that no Record ſhall be received without the Writ.

*Wm. Lee,
J. Willes,
Ja. Reynolds,
F. Page,
Alex. Denton,
Law. Carter,*



*E. Probyn,
J. Comyns,
J. Fortescue,
Wm. Thomson,
W. Fortescue.*

RULES, ORDERS and NOTICES,

I N T H E

Court of Common Pleas.

Easter Term, the 9th. of Queen Anne, 1710. Fines.

*WHEREAS by an Act made in the three and twentieth Year of the Reign of Queen Elizabeth, * it was amongst other Things enacted, * cap. 3. That every Person, who should at any Time thereafter take the Knowledge of any Fine, and should certify the same, that such Person should with the Certificate thereof certify also the Day and Year when the same was knowledged ; and that no Person, who should take any such Knowledge of any Fine should be bounden, or by any Means enforced to certify any such Knowledge, except it were within one Year next after the said Knowledge taken. And that no Clerk or Officer should receive any Writ of Covenant, whereupon any Fine was thereafter to pass, unless the Day of the Knowledge of such Fine should appear in or by such Certificate, upon Pain*

B

of

Rules and Orders

Easter, 9 Ann. of forfeiting five Pounds. *And whereas, contrary to the Intent and Meaning of the said Statute, the Days and Years of the Captions of several Fines have been rased and alter'd after the same have been acknowledged, and other Days and Years inserted, and which sometimes have appeared to be after the Death of the Conusors in such Fines, by Reason whereof several Disputes have arisen, great Delays have been had in the passing such Fines, and that several Fines have been vacated thereupon. Now for the preventing the like Mischiefs and Inconveniencies for the Time to come,*

For prevent-
ing Rasures
made in the
Day and Year
of the Cap-
tions of Fines,
taken before
Commis-
sioners.

It is Ordered by the Justices of this Court, that for the future, no Fine whatsoever taken and acknowledged before any Commissioners, by Virtue or Colour of any Special *Dedimus potestatem* to them directed, do pass the Queen's Silver Office, and the Queen's Silver of such Fine be recorded, unless Oath be made before the Lord Chief Justice, or some other Justice of this Court, of the due Execution of the said Fine, and also of the Day and Year when each Conusor so executed the same, where a Rasure in the Day or Year shall appear in the Caption thereof; and that no Fine so acknowledged before such Commissioners in Case of such Rasure, be received and entred by the Clerk of the Queen's Silver of this Court, before there be an *Allocatur* reciting the Day and Year of each particular Conusor's Acknowledgment, under the Hand of the said Lord Chief Justice, or some other Justice of this Court, for the passing of the said Fine first had and obtained.

Or before a
Judge, &c.

And it is further Ordered, that no Fine whatsoever taken and acknowledged before the said Lord Chief Justice, or any Judge of Assize, or Sergeant at Law, if the Date of the Caption of such Fine shall appear to have been rased, do

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in the Court of Common Pleas.

for the future pass the Queen's Silver Office, and the Queen's Silver of such Fine be recorded by the said Clerk of the Queen's Silver, before there be an Order under the Hand of the said Lord Chief Justice, or some other Justice of this Court, for his passing and entring such Fine first had and obtained.

Easter, 9 Ann.

Former Rules relating to Fines, *Easter*

And it is likewise Ordered, that after any Fine whatsoever shall have passed the said Queen's Silver-Office, and the Queen's Silver of such Fine be recorded, that neither the Precipe or Caption of any such Fine or Writ of *Dedimus potestatem*, or Writ of Covenant, by which any such Fine be passed, shall be rased or altered before there be an Order under the Hand of the said Lord Chief Justice, or some other Justice of this Court, for the doing thereof, and for the amending of all Entries made from such Writ or Writs, first had and obtained.

43 Eliz. *Hil. 14 Jac.*
I. *Hil. 28 &*
29 Car. II. *Easter*
29 Car. II. *Easter*
6 W. III.

See *Hil. 13 Geo. 1.*

Tho. Trevor, } *R. Tracy,*
Jo. Blencowe, } *R. Dormer.*

Hillary, 9th. 2. Anne, 1710.

1. **WHEREAS** Rules for Trials at the Bar of this Court are usually granted one or more Terms before such Trials are appointed to be had; and that the Writs of Habeas Corpora for Summoning the Juries for such Trials, are made out upon Venires returnable in the preceding Term. So that the Attornies for Plaintiffs in such Trials have always Opportunities of giving timely Notice to this Court of the certain Days when such Trials are to come on. And forasmuch as their neglecting to give such Notice is found to be to the Prejudice of other Suitors in

Trials at Bar.

Rules and Orders

Hil. 9 Ann. this Court. Now for the preventing of any Prejudice or Inconvenience that may happen from such Negligence,

The Plaintiff's Attorney to give timely Notice to the Court of the certain Days Trials at Bar are to come on.

Or on neglect the Cause not to be tried that Term without Leave.

It is Ordered by this Court, That the Attorney for the Plaintiff in every Cause, which in such Case shall come to be tried at the Bar of this Court, shall before the Effoin-Day of the Term, in which such Cause shall be appointed to be tried, give Notice to the chief Prothonotary of this Court, or his Secondary, of the Day on which such Cause is to be tried, that the same (as is usual) may be put down in the Court-Book provided for that Purpose. And in Case such Attornies shall neglect so to do, that then, without Motion and the special Direction of this Court, such Causes shall not be tried that Term; any Precedent, Rule or Practice to the contrary notwithstanding.

*Tho. Trevor, } R. Tracy,
Jo. Blencowe, } Rob. Dormer.*

Delivery of
Declarations.

Hillary, 9 Anne, 1710.

II. *WHEREAS* upon Special Writs returnable the first Return of any Term the Practice heretofore of this Court hath been, that Declarations delivered thereupon, or left in the Office at any Time before the End of the Term in which the said Writs were returnable, were a good Delivery, to oblige Defendants to plead thereto in four Days after Rules given for that Purpose, by Means whereof such Defendants have been deprived of the Benefit of moving to pay Money into Court, or to change the Venue, and divers other Inconveniences having arisen from

in the Court of Common Pleas.

from such Practice: Now to prevent the same Hil. 9 Ann. for the future,

It is Ordered by this Court, That all Declarations hereafter to be delivered, or left in the Office upon Special Writs in the same Term the said Writs shall be returnable, shall be delivered, or left in the Office at least four Days before the End of every Term, exclusive of the Day of the Delivery thereof or of leaving the same in the Office; any Practice heretofore to the contrary thereof notwithstanding.

Declarations on Special Writs to be delivered 4 Days before the End of the Term.
Mich. I.
Geo. II.

*Tho. Trevor, } S^r R. Tracy,
Jo. Blencowe, } S^r Rob. Dormer.*

The same Term, 1710.

Non-profs.

III. *WHEREAS* divers Disputes and Controversies have arisen in this Court touching Non-profes, signed for want of Declarations, in what Time after the Return of the Writ the same may be signed, or what Time the Plaintiff has, after the Return thereof, to deliver his Declaration, or of leaving the same in the Office, before he shall be non-profit for Want thereof: Now for the avoiding of all such Disputes, and for reducing the Practice herein to a Certainty,

Mich. 1654.
Sect. 14, 15.

It is Ordered by this Court, That upon all Process returnable the first or any other Return in any Term, the Plaintiff shall have Liberty to the End of the next ensuing Term, to deliver his Declaration to the Defendant's Attorney, or of leaving the same in the Office, and the Defendant's Attorney having entred his Appearance with the proper Officer, as of that Term in which the Process is returnable, and at the End of

In what Time a Non profs may be signed for want of a Declaration.

Rules and Orders

Hil. 9 Ann. of the ensuing Term, or in four Days after the End thereof, having given a Rule to declare in the proper Office, and having called on the Plaintiff's Attorney or Clerk in Court (if he can be found) the Defendant, any Time in the Vacation of such ensuing Term, after the Rule for declaring is out, may Sign his *Non-profs* for want of a Declaration, and not afterwards, and the Plaintiff shall not, without the Leave of the Court, have any longer Time to declare in, than as abovesaid, other than the Time to be limited by the Defendant's Rule; any Rule or Practice to the contrary hereof notwithstanding.

Tho. Trevor, } { *Rob. Dormer,*
Jo. Blencowe, } { *R. Tracy.*

Bail Bonds.

The same Term, 1710.

IV. *WHEREAS* several Motions have been made in this Court against the undue Prosecutions had upon Bail Bonds, in having the same put in Suit before the Defendants could have a reasonable Time of putting in Bail in the Original Actions; and the Time for putting the said Bonds in Suit not appearing to be fix'd and limited, whereby the Practice of the Court in that Case is become doubtful and uncertain: Now for the Information of all Practicers touching the same,

For settling the Practice in relation to Prosecutions on Bail Bonds. This Court doth think fit, and so Order, That no Bail Bond taken in London or Middlesex, and by Virtue of any Process issuing out of this Court, shall be put in Suit till after four Days exclusive of the Appearance-Day of every Return, upon which the said Process shall be returnable, and that no Bail Bond taken in any other

in the Court of Common Pleas.

other City or County, by Virtue of such Process, *Hil. 9 Ann.*
 shall be put in Suit till after eight Days exclusive *Trin. 1 W. &*
 of the Appearance-Day of any such Return, upon *M. reg. 2.*
 Pain of having all Proceedings made upon such *Hil. 6 Geo. I.*
 Bail Bonds to the contrary thereof (upon Motion *reg. 2.*
 made to this Court for that Purpose) set aside with *See Trin. 3*
 Costs. *& 4 Geo. II.*
Mich. 6 Geo.
II.

Tho. Trevor, } { R. Tracy,
Jo. Blencowe, } { Rob. Dormer.

Michaelmas Term, the Second of King George I. 1715. Rolls.

WHEREAS by the antient Rules of this Time of
 Court the Common Rolls of Trinity, Michael-bringing in
 mas, and Hillary Terms are by the several Offi-Rolls.
 cers to be delivered to the Clerk of the Effoins be-*Reg. 6 Jac. I.*
 fore the Effoin-Day of the several Terms follow-*Easter 5 W.*
 ing, and their Rolls of Easter Term on or before *& M. reg. 2.*
 the first Day of Trinity Term following, un-*Easter*
 der the Penalty of 12 d. a Roll, to be paid to the *34 Car. II.*
 Clerk of the Effoins by such Officers who shall *reg. 3.*
 neglect to bring in their Rolls; And the Plea-
 Rolls are to be brought in to the Clerk of the
 Effoins within three Weeks after the End of the
 Term following, under the like Penalty. And
 the Prothonotaries, when they bring in their
 Rolls as aforesaid, are to deliver to the Clerk of
 the Effoins an Account of the Carets in Writing,
 with the Attornies Names who took the said Rolls
 out of their several Offices. And whereas there
 have of late been great Neglects in the said Pre-
 misses,

It

Rules and Orders

Mic. 2 Geo. I. It is hereby therefore Ordered, That the Clerk of the Effoins do, a Fortnight within every Term, lay before this Court an Account of what Rolls are wanting that ought to have been brought in according to the said Rules, together with the Attornies Names who took them out of the said Offices, that this Court may proceed as they shall think fit, against such Persons as shall not have brought in their Rolls according to the said Rules.

P. King, } { R. Tracy,
Jo. Blencowe, } { Rob. Dormer.

Notice of
Trial.

Trinity, 2 Geo. I. 1716.

Where the Plaintiff concludes *ad Patriam*, Defendant bound to accept of Notice of Trial on the Back of the Pleading.
Reg. Mich. 1654. Sect. 21.

See *Hil. 6 Geo. I. & Trin. 10 Geo. I.*

WHEREAS in divers Actions and Suits commenced in this Court, the Plaintiff many Times in Pleading concludes *ad Patriam*, and the Defendant not being obliged to join Issue, nor Demur till a four Days Rule is expired, Plaintiffs are thereby greatly delayed in trying their Causes; for the Prevention of which for the future,

It is Ordered, That in all Cases where the Plaintiff concludes *ad Patriam*, the Defendant's Attorney, or Clerk in Court, shall be bound to accept of Notice of Trial upon the Back of such Pleading, whether the same be delivered to the Defendant's Attorney or Agent, or left in the proper Office, where the same may be left by the Course of the Court: And such Notice of Trial so given, or left as aforesaid, shall be as good and effectual as if Issue had been actually joined.

P. King, } { R. Tracy,
Jo. Blencowe, } { Rob. Dormer.

in the Court of Common Pleas.

Mich. 3 Geo. I.

Michaelmas, 3 Geo. I. 1716.

I*T is Ordered this Term by the Court, That Countermand no Countermand of Trial at the Assizes shall be of Trial. good, unless Notice be given two Days before the Commission Day.*

N. B. No Countermand to be given on a Sunday.

Hillary, 6 Geo. I. 1719.

Notice of Trial.

I*WHEREAS by a Rule of this Court made See Trin. 2 & 3 in Trinity Term in the second Year of the Trin. 10 Geo. Reign of his Majesty King George, it was Or- I. dered, ' That in all Cases where the Plaintiff concludes ad Patriam, the Defendant's Attorney or Clerk in Court shall be bound to accept of Notice of Trial upon the Back of the Pleading, whether the same be delivered to the Defendant's Attorney or Agent, or left in the proper Office, where the same may be left by the Course of the Court. And such Notice of Trial so given or left as aforesaid, shall be as good and effectual as if Issue had been actually joined.'*

And whereas it appears, That notwithstanding the said Rule, the Plaintiffs in divers Actions and Suits commenced in this Court are delayed, for that the Defendants Attornies are not obliged to take the like Notice of executing Writs of Enquiry;

C

It

Rules and Orders

Hil. 6 Geo. I.

Where the Plaintiff concludes *ad Patriam*, Defendant obliged to accept of Notice of Executing Inquiry from the Time Notice of Trial was given.

It is therefore hereby Ordered, That in every Cause where the Plaintiff concludes *ad Patriam*, and giveth Notice of Trial upon the Back of his Pleading, pursuant to the said Rule, if the Defendant doth not join Issue on such Pleading before the Rule be out, that in every such Case after Judgment obtained, the Defendant's Attorney shall be obliged to accept Notice of executing a Writ of Enquiry, from the Time that Notice of Trial was given on the Back of such Pleading as above-said.

P. King, }
Jo. Blencowe, } { R. Tracy.
 } { Robert Dormer.

Appearances.
Bail.

The same Term, 1719.

II. *WHEREAS* there have been great Neglects in entering Appearances for Defendants, and in entering Special Bail upon Record;

It is hereby Ordered, For preventing the same, That all Rules and Orders of this Court heretofore made, relating to the Premises, shall from henceforth be punctually observed, and the Pains and Penalties therein contained shall be inflicted on Offenders.

And for the farther enforcing the said good Rules and Orders already made,

Time of entering Appearances.

It is hereby further Ordered, That from and after the last Day of this present *Hillary Term*, every Attorney of this Court accepting or subscribing any Warrants to appear for any Defendant, to any Writ issuing out of this Court, shall within four Days after the Appearance-Day, to the Return of every such Writ in *London* or *Middlesex*, and within eight Days after the Appearance-Day in every Writ in any other County, enter

in the Court of Common Pleas.

ter the Appearance of such Defendant with the *Hil. 6 Geo. I.*
proper Officer. And if any Attorney accepting
any warrant to appear, or subscribing any Process
or Warrant to appear, do not enter such Appearance
within the Time aforesaid, he shall for such
Offence be liable to an Attachment, and shall not
be discharged therefrom till he hath paid full Costs
to the Plaintiff, for the Prosecution on such At-
tachment; and the Defendant, when he appears,
shall be compelled to plead, as of the Time when
he should have pleaded, if his Appearance had
been duly entred.

And it is likewise further Ordered, That all
Bails taken by Commissioners, pursuant to the Act
of Parliament for taking Special Bails in the Coun-
try, shall be transmitted to the Lord Chief Justice,
or to one of the Justices of this Court, *viz.* every
Bail taken within forty Miles of *London*, within
ten Days after the Caption thereof; and every
Bail taken above forty Miles from *London*, within
twenty Days after the Caption thereof; unless all
the said Justices shall be in their Circuits; and
then as soon as any one of them shall be returned
to *London* out of his Circuit, being the Time pre-
scribed by the * Orders of this Court, to be ob- * *10 Mar.*
served by the Commissioners; and after such *1692.*
Transmission, shall be forthwith delivered to, and *5 W. & M.*
filed with the proper Officer, to be entred upon a
Record, or otherwise it shall be as no Bail; and
the Plaintiff is at Liberty to proceed on the
Sheriff's Bond, as if no such Bail were ever put
in; and the Defendant, in Case he be admissible
to plead to the Original Action, shall not be ad-
mitted so to do, unless he first pay the full Costs
to the Plaintiff for the Prosecution on the Bail
Bond; and plead as of the Time when the Bail
should have been duly entred. *Hil. 9 Ann.*
reg. 4.

And of Trans-
mitting and
Entring Bail.

See *Mich.*
13 Geo. I.
and *Mich. 6.*
Geo. II.

P. King, } *R. Tracy,*
Jo. Blencowe, } *Rob. Dormer.*

C 2

Hillary,

Hil. 8 Geo. I.

Hillary, 8 Geo. I. 1721.

SeA. 2.

Hil. 15 & 16

Car. II.

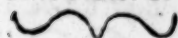
It is Ordered by this Court, That from and after the last Day of this present *Hillary* Term, if any Sheriff, Under-Sheriff, or any of the Officers or Persons above-named, or any Officer or Person, having the Return of any Proceſs iſſuing out of this Court, or of any Precept or Warrant thereupon, ſhall neglect or reſuſe to return the ſame within fix Days next after Service of a Rule of this Court for that Purpoſe, ſuch Sheriffs, Under-Sheriffs, and every other of the above-named Officers or Persons, ſhall be liable to pay the Coſts occaſioned by ſuch Neglect, to be taxed; any Rule or Order of this Court to the contrary notwithstanding.

P. King, } { *R. Tracy,*
Jo. Blencowe, } { *Rob. Dormer.*

The

in the Court of Common Pleas.

Hil. 8 Geo. I.



The same Term, 1721.

II. NOTICE is hereby given to the Attornies and Praetisers in the Court of Common Pleas at Westminster, that the Right Honourable Sir Peter King, Knt. Lord Chief Justice of the same Court, hath Ordered, that no Recipiatus shall be allowed to be entred for the Sittings of Nisi prius after every Term, unless the Records of Nisi prius and Writs be made up and brought into Court on or before the Days and Sittings respectively. That no Recipiatur be entred, unless the Record of Nisi prius be brought into Court before the Sittings.

Robert Maidstone, Dep. Cl. Tles.

Easter, 8 Geo. I. 1722.

Prisoners.

WHEREAS many Doubts have arisen on Former Rules the Rules for discharging Prisoners committed to the Fleet Prison, the County, and other Gaols, and for discharging Persons rendring themselves, or being rendred to the Fleet Prison, in Discharge of their Bail (by Virtue of Process of this Court) by Superfedeas for want of Prosecution; for Remedy whereof,

It is Ordered by the Court, That if any Prisoner dis- Plaintiff shall declare against any Defendant in Custody of the Warden of the Fleet Prison, or of any Sheriff, or other Officer, by Virtue of any Process of this Court, and shall not further proceed to Judgment within three Terms after such Declaration delivered, inclusive of the Term in which charged if the Plaintiff proceed not in three Terms after Declaration delivered.

Rules and Orders

East. 8 Geo. I. which the Declaration shall be delivered, the Defendant having appeared. Or if any Plaintiff having obtained Judgment in this Court in any Action against any Defendant a Prisoner, as aforesaid, and shall not charge such Defendant so remaining a Prisoner, in Execution upon the Judgment so obtained, within two Terms next after such Judgment so had and obtained, including the Term in which the said Judgment shall be signed, or within two Terms now next ensuing upon Judgment already had, then such Defendant so remaining in Prison may be discharged out of Custody, where he shall be so detained by *Superfedeas*, to be allowed by one of the Justices of this Court, if Cause shall not be shewn by the Plaintiff, or his Attorney, why such Plaintiff had not proceeded before that Time to Judgment and Execution, as aforesaid, upon Notice to either of them given by the Defendant's Attorney or Agent, and Oath made of such Notice given.

Or not declaring where Defendant renders himself in Discharge of his Bail, in two Terms.

Or not proceeding to Judgment in three Terms, or if not charged in Execution in two Terms after Judgment, Prisoner may be discharged, on Notice.

See *Hil. 8 Geo. II.* reg. 1, 2.

And if any Defendant hath, or shall render him or herself, or be rendred to the *Fleet* Prison, in Discharge of his or her Bail, at the Suit of any Plaintiff, where no further Proceedings by Declaration has been had against such Defendant so rendred, before such Render, unless the Plaintiff shall declare against such Defendant within two Terms after such Render; and where any Declaration hath been delivered against such Persons so rendring him or herself, or being rendred, or Judgment has been had against him or her before such Render, unless the Plaintiff shall proceed to Judgment upon such Declaration delivered within three Terms after such Render (the Defendant having appeared) and charge such Defendant in Execution within two Terms after such Judgment obtained, such Defendant may be discharged out of Custody, by *Superfedeas*, to be allowed by one of the Justices of this Court, if Cause

in the Court of Common Pleas.

Cause shall not be shewn to the contrary, as a- *East. 8 Geo. I.*
foresaid, by the Plaintiff, or his Attorney, upon
Notice to either of them, given by the Defen-
dant's Attorney, or Agent, and Oath made of
such Notice given.

P. King, } { R. Tracy,
Jo. Blencowe, } { Rob. Dormer.

Trinity, 10 Geo. I. 1724.

Notice of In-
quiry.

*W*HEREAS in Trinity Term in the se- *Trin. 2 Geo. I.*
cond Year of his present Majesty, a Rule
of this Court was made, ' That in all Cases where
' the Plaintiff concludes *ad Patriam*, the De-
' fendant's Attorney, or Clerk in Court, should
' be bound to accept of Notice of Trial on the
' Back of the Pleadings.

And whereas in Hillary Term in the sixth *Hil. 6 Geo. I.*
Year of his said Majesty's Reign, another Rule
of Court was made, ' obliging every Defendant's
' Attorney, in all Cases where Issue is not joined
' after Judgment obtained, to accept of Notice
' of Executing a Writ of Inquiry from the Time
' of the Notice of Trial given on the Back of the
' said Pleading, as by the said Rules will more
fully appear.

And whereas the said Rules have, by Expe-
rience been found to be of great Use and Advan-
tage to Plaintiffs, for the more speedy Recovery
of their just Debts; but no Provision being made
in Cases where Defendants Demur to the Plain-
tiff's Declaration, and by that means give great
Delays to Plaintiffs, because by the said Rules
Defendants are not obliged till after Judgment
obtained, to accept of Notice of Executing a Writ
of Enquiry;

Rules and Orders

T. 10 Geo. I. It is therefore now Ordered by this Court, That in all Cases where the Defendant Demurs to the Plaintiff's Declaration, the Defendant's Attorney, or Clerk in Court, shall be obliged to accept of Notice of Executing the Writ of Inquiry on the Back of such Joinder in Demurrer. And in Case where the Defendant pleads such a Dilatory Plea, that the Plaintiff is obliged to Demur to, that in such a Case the Defendant's Attorney, or Clerk in Court, shall be obliged to accept of Notice of Executing a Writ of Inquiry on the Back of such Demurrer.

Or where the Plaintiff is obliged to Demur to Defendant's Plea then on the Back of such Demurrer.

*P. King, } { Rob. Dormer,
R. Tracy, } { Alex. Denton.*

Hillary, 11 Geo. I. 1724.

Issues.

*E. 5 W. & M.
Mich. 1654.
Sect. 21.*

WHEREAS Complaint hath been made unto Us, by the Clerk of the Treasury, and the rest of the Clerks there, that divers Practisers of this Court, do ostentimes make up their Issues of Terms, in which they were not joyned, and thereby greatly defraud the said Officers of their due Fees;

Issues to be made up of the same Term they are joyned.

It is therefore Ordered by this Court, That every Issue shall be entered on Record of the Term in which it was joined, notwithstanding any Consent given by the Attornies, or their Agents, on either Side, to the Contrary. And that whosoever shall offend in Breach of this Rule, shall be adjudged guilty of a Contempt of this Court, and shall be proceeded against accordingly.

And, It is further Ordered, For the more effectual detecting any such intended Fraud, It shall and may be Lawful for the Clerk of the Treasury

in the Court of Common Pleas:

Treasury to require any Person suspected of such *Hil. 11 Geo. I.*
illegal Practice as aforesaid, to produce such Pro-
ceedings in the Cause, as he the said Clerk of the
Treasury shall think necessary for the better dis-
covering when Issue was actually joined.

P. King, } { Rob. Dormer.
R. Tracy, } { Alex. Denton.

Michaelmas, 12 Geo. I. 1725. Bail.

It is Ordered by this Court, That before any Allowance of any Writ of Error, or Reversing of any Outlawry be had by Plea or otherwise, through or by want of any Proclamation to be had or made according to the Form of the Statute in that Case made and provided, after the first Day of *November* in this present Term, the Defendant and Defendants in the original Action shall put in Bail, not only to appear and answer to the Plaintiff in the former Suit, in a new Action to be commenced by the said Plaintiff, for the Cause mentioned in the first Action, but also to satisfy the Condemnation, if the Plaintiff shall begin his Suit before the End of two Terms next after the Allowing the Writ of Error; or otherwise Avoiding of the said Outlawry.

R. Eyre, Robt. Dormer, Alex. Denton.

Trinity, 12 Geo. I. 1726.

It is Ordered, That no Cause in any Term, Entering Cause
after the End of this Term, be put in the Book to be argued
of this Court, to be argued *after the last Day of post ultimum*
D *Arguments, diem argumen-*
torum.

Rules and Orders

*Mic. 13 Geo. I. * Arguments, unless the Court here be there-
upon moved, and shall order it.*

By the Court.

Bail.

Michaelmas, 13 Geo. I. 1726.

WHEREAS great Inconveniences have hap-
pened by reason that Bails taken before
Mic. 1645. Commissioners in the Country and transmitted to,
Seet. 11, 12. and allowed by the Lord Chief Justice, or one of
Hill. 13 & 14 the Justices of this Court, have not been duly
Car. II. filed with the proper Officer, according to the
10 Mar. 5 W. Rules of this Court.

& M. It is therefore Ordered by this Court, That
H. 6 Geo. I. from and after the last Day of this present Term,
reg. 2. all Bails taken before Commissioners in the
Filing Bail- Country, and transmitted to and allowed by the
Piece. Lord Chief Justice, or one of the Justices of this
Further en- Court, shall be delivered to the Clerk of the said
forced, Lord Chief Justice, or such other Judge as shall
Mic. 6 Geo. II. allow the said Bail, which Clerk shall take the
to be filed and pay the said Fees to such proper
Officer.

And it is further Ordered, That every Defen-
Notice to be dant's Attorney shall give Notice to the Plaintiff's
given in four Attorney of the taking such Bail, within four
Days of taking Days after the Caption thereof.
Bail.

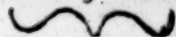
R. Eyre, Robt. Price, Alex. Denton.

** viz. the four first and four last Days of the Term.*

Hillary

in the Court of Common Pleas.

Hil. 13 Geo. I.



Hillary, 13 Geo. I. 1726.

Fines.

IT is Ordered, That no Fine whatsoever, taken and acknowledged before any Commissioner, by Virtue of any Writ of *Dedimus potestatem* to them directed, be allowed to pass, unless some Person present when such Fine was taken and acknowledged, do personally appear before the Lord Chief Justice, or some other Justice of this Court, and be examined upon Oath, touching the due Execution thereof, and particularly, whether such Person knows the Parties acknowledging such Fine.

No Fine acknowledged before a Commissioner to pass unless one that was present appear before a Judge to be examined.
East. 9 Ann.

*R. Eyre, } { F. Page,
Rob. Price, } { Alex. Denton.*

*Easter, 13 Geo. I. and Trinity, 13 Geo. I.
1727.*

WHEREAS several Matters in Controversy between the Prisoners and the Warden of the Fleet were heard by the Right Honourable Sir Robert Eyre, Knt. Lord Chief Justice of his Majesty's Court of Common Pleas at Westminster, the Honourable Robert Price, Esq; Sir Francis Page, Knt. and Alexander Denton, Esq; Justices of the said Court, at Serjeants Inn Hall in Chancery-lane, on Monday the twenty-fourth Day of April, on Wednesday the twenty-sixth Day of the same Month of April, on Monday the first Day of May following, and on Friday the

Resolutions concerning the Prisoners and Warden of the Fleet; but see the Table of Fees, 19th January the 3 Geo. II.

Rules and Orders

Eas. 13 Geo. I. fifth Day of the same Month of May in Easter Term, in the thirteenth Year of the Reign of our Sovereign Lord King George, Anno Domini 1727. Upon which hearing the said Lord Chief Justice, and the rest of the Justices of the said Court, came to the following Resolutions.

Commitment Fee.

I. That there is due and ought to be paid to the Warden of the *Fleet* for every Commitment Fee (exclusive of Commons) from all Persons of the Degree of an Esquire, Gentleman or Gentlewoman, or any other Person under those Degrees, who shall enter on the Master's Side of the said Prison, 2 *l.* 4 *s.* 4 *d.*

And that there ought to be paid to the Warden by every such Person for the Use of the Minister of the said Prison, 2 *s.*

II. That there is due and ought to be paid to the Warden, for a Commitment Fee from every Prisoner on the Wards or Common Side, not taking Part of the Poor's Box, 1 *l.* 6 *s.* 4 *d.*

And that every such Person ought to pay to the Warden for the Use of the Minister of the said Prison, 1 *s.*

And that every Prisoner taking Part of the Poor's Box ought to pay to the Warden 7 *s.* and 4 *d.* and no more for his Commitment Fee, and nothing to the Minister.

Fee on Render.

III. That there is due and ought to be paid to the Warden of the *Fleet* for every Render in each Cause, 2 *l.* 4 *s.* 4 *d.* and nothing to the Minister.

Fee to Chamberlain.

IV. That there is due and ought to be paid to the Chamberlain as his Fee for every Prisoner's Entrance into the House, 1 *s.* and no more.

V. That

in the Court of Common Pleas.

V. That there is due and ought to be paid to *East. 13 Geo. I.*
the Warden for every Prisoner's Discharge, either by Creditor or *Superfedeas*, as a Fee for his Dis-
mission out of Prison, without any Regard to the charge.
Number of Causes wherewith he stands charged,
7 s. and 6 d. and no more.

VI. That there is due and ought to be paid to To the Clerk
the Clerk of the Papers for every Discharge of of the Papers.
every Action, 2 s. and 6 d.

And for the Copy of every Cause, not exceed-
ing three, 1 s.

And for each and every Cause exceeding three
Causes, 4 d. besides the 1 s. a-piece for each of
the said first three Causes.

VII. That there is due and ought to be paid to For Certifi-
the Clerk of the Papers for his Certificate of the cate.
Prisoner's Discharge, delivered to the Prisoner
himself, without any Regard to the Number of
Causes he stood charged with, 2 s. 6 d.

And for his Certificate to the Warden of such
Discharge, 2 s. 6 d.

VIII. That there is due and ought to be paid Fee to the
to the Clerk of the Inquiries on the Discharge of Clerk of the
a Prisoner by the Creditor, and not by *Superse-* Inquiries.
deas, 2 s. 6 d.

IX. That there is due and ought to be paid To the Turn-
to the Turnkey (who is now both Porter and key.
Gaoler) for the Prisoner's Entrance into the
House, 2 s.

And for such Prisoner's Discharge to the Turn-
key, being both Porter and Gaoler, 2 s. 6 d.

X. That there is due and ought to be paid to
the Turnkey for every Declaration delivered to
him for a Prisoner, 1 s.

XI. That

Rules and Orders

E. 13 Geo. I.

No Fee for
the Rules.

XI. That there is no Fee due to the Warden upon his accepting Security on the Prisoner's having the Benefit of Day-Rules.

Chamber
Rent.

XII. That there is no Fee due to the Warden for Lodging or Chamber Rent where the Prisoner has not actual Possession of the Chamber; but that there is due to the Warden for every Prisoner or Prisoners, his or their Lodging or Chamber Rent, 2 s. and 6 d. *per* Week, such Lodging or Chamber being furnished.

To the Mi-
nister.

XIII. That there is due to the Minister that officiates and performs Divine Service within the said Prison for the Time being, from every Prisoner within the Walls of the Prison, or without the Walls and within the Rules 4 d. *per* Week to be paid to the Warden for the Use of such Minister.

And that no such Minister or any other Clergyman being a Prisoner within the Walls or Rules of the *Fleet* do presume to Marry any Persons without License within the Prison or Rules of the *Fleet*: And that the Warden and his Officers do use their utmost Care and Vigilance to prevent all such Marriages.

No fresh
Commitment
Fee;

XIV. That there is no fresh Commitment Fee due to the Warden upon the Prisoner's bringing himself back to the *Fleet* by *Habeas Corpus*, where the Warden himself had removed him thence by *Habeas Corpus*.

And that there is no Fee, Gratuity or Reward due to the Warden for his returning an *Habeas Corpus*.

But to the
Clerk of the
Papers.

But that there is a Fee of 5 s. and 4 d. due to the Clerk of the Papers, for the Allowance of every Writ of *Habeas Corpus*; and 4 s. for the Return

in the Court of Common Pleas.

Return of the first Cause, and 2 s. for every other Cause, and no more. *E. 13 Geo. I.*

XV. That where a Prisoner dies in the *Fleet* Not to detain the Warden shall detain the Body no longer than the Body on till the Coroner's Inquest be finished, which shall Death of Prisoners. be done with all reasonable Speed; and immediately afterwards the Body shall be delivered to the Prisoners Friends or Relations, if they desire it, without Fee or Reward.

XVI. That it is the Duty of the Warden, and Prison to be belongs to him to keep the Prison-House and kept in Re-Windows in necessary and good Repair; and to pair. keep the Bog-Houses and Dunghill as clean and free from Stench and Noisomness as possible.

XVII. That a Table of all Gifts and Requests A Table of made for the Benefit of the Prisoners in the Gifts. *Fleet*, expressing the particular Purposes for which the same were given, be prepared by the Warden, and hung up in the Hall of the said Prison.

XVIII. That the Wards Gate be opened at five of the Clock in the Summer, and seven of the Clock in the Winter, and do stand constantly open in the Day-Time, according to the Orders made the 17th of February, 1687. *When Gates are to be open.*

And whereas this Court, upon further Consideration of the Premises, this present Trinity Term in the 13th Year of the Reign of our Sovereign Lord King George, is of Opinion that the said Resolutions are just; *Trin. 13 Geo. I.*

It is hereby Ordered, That the same be observed by the said Warden and Prisoners and all other Persons therein concerned. *Altered by the Table of Fees,*

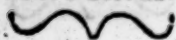
R. Eyre, } { F. Page,
R. Price, } { Alex. Denton.

19 Jan. the
3 Geo. II.
& reg. Hil.
3 Geo. II.

Michaelmas

Rules and Orders

Mic. 1 Geo. II.



Michaelmas Term, the 1st of K. Geo. II. 1727.

Stat. 12 Geo. I. I. TO establish the Practice of this Court upon the late Act of Parliament, for preventing Frivolous and Vexatious Arrests;

Where the Plaintiff appears for the Defendant, the Declaration shall be left in the Office, and Notice thereof given the Defendant, signifying the Nature of the Action, &c.

It is Ordered, That from and after the last Day of this present Term, in all Cases where a Copy of the Process of this Court is served upon any Defendant, or Defendants, and an Appearance is entered for such Defendant, or Defendants, by the Plaintiff's Attorney, pursuant to the said Act, the Plaintiff's Attorney in such Case, shall leave a Copy of the Declaration in the Office, and likewise give Notice thereof to the Defendant, or Defendants, by delivering an *English* Notice, written in a Secretary Hand, to such Defendant, or Defendants, or by leaving the same at the last, or most usual Place of Abode of such Defendant, or Defendants, signifying the Nature of the Action, at whose Suit it is prosecuted, and in whose Office such Declaration is left: And that, in Case of special Writs, returnable the first Returns of *Hillary* and *Trinity* Terms, and the first or second Returns in *Easter* and *Michaelmas* Terms, such Defendant, or Defendants, should take Notice, that unless such Defendant, or Defendants, plead to such Action within four Days after the Appearance-Day of the Return of such Writ; and in Case of a common *Capias*, or any other special Writ within the first four Days of the next Term; Judgment will be entered against such Defendant, or Defendants, by Default.

Enlarged to all Process, by the Rule Mich. 3 Geo. II. and see the Rule E. 3 Geo. II.

in the Court of Common Pleas.

And from the Time of giving such Notice as *Mic. 1 Geo. II.* aforesaid, such Declaration shall be deemed well delivered to such Defendant, or Defendants, and not otherwise. *Declaration deemed well*

And in Case such Defendant, or Defendants, after such Notice given, do not plead by the Time the Rules for pleading are out, the Plaintiff in such Case may Sign his Judgment (a Rule to plead being first given) without any other or further calling for a Plea, and thereon give Notice of executing his Writ of Inquiry, either by delivering Notice in Writing to such Defendant, or Defendants, or by leaving the same at the last or most usual Place of Abode of such Defendant, or Defendants; which shall be a sufficient Notice to such Defendant, or Defendants, of the Time of executing such Writ of Inquiry. *delivered from the Time of such Notice. If Defendant does not plead in Time, Judgment may be signed, and Notice given of executing a Writ of Inquiry.*

And it is further Ordered, That from and after the last Day of this present Term, the Rule made the last *Trinity* Term, to establish the Practice of this Court upon the said late Act of Parliament, shall be discharged.

R. Fyre, } Rob. Price,
Alex. Denton, } S. Cowper.

Michaelmas, 1 Geo. II. 1727.

II. **D**eclarations, Pleas, Replications, and other Pleadings, and also Oyer of Writs, Bonds, and other Deeds, shall be demanded by a Note in Writing. *Notice fixed up in the Prothonotaries Offices. Demands to be in Writing.*

Michaelmas, 2 Geo. II. 1728.

I. **A**tornies of this Court are desired to take Notice, That the Court will enlarge no Rule for shewing Cause, unless Notice be given of Motion to enlarge such Rule, and Affidavit made *Notice fixed up in the Prothonotaries Offices.*

Rules and Orders

Mic. 2 Geo. II. made of such Notice. And likewise, that the Court will not set aside any Judgment for Irregularity, unless Motion be made to the Court for that Purpose, before a Writ of Inquiry executed.

The same Term, 1728.

Attorney.

II. Notice is hereby given, That whosoever would be admitted an Attorney, must apply, for that Purpose, before the last Week in Term.

Hillary, 2 Geo. II. 1728.

That Declarations in Ejectment shall not be received by the Secondary, unless signed by a Serjeant, and delivered in Court.

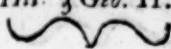
WHEREAS Complaint hath been made unto this Court of unwarrantable Practices, in regard to Declarations in Ejectment brought and delivered to the Secondaries of this Court, in order to have Rules to plead: For Remedy thereof,

It is Ordered, by the Court, That from and after the first Day of February in this present Term, no Declaration, or Declarations in Ejectment shall be taken in, or received by any of the Secondaries of this Court, unless such Declaration, or Declarations, be signed by some Serjeant at Law, and delivered by himself to one of the Secondaries, in open Court.

Secondary, on Request, to shew his Alphabetical Papers of Ejectments.

And, It is further Ordered, That the Secondaries shall, in the Morning next after the End of every Term, and at all other Times, when required, produce and shew to any Person or Persons who shall demand the same, their Alphabetical

in the Court of Common Pleas.

tical Paper of Ejectments mov'd or deliver'd into Hil. 3 Geo. II.
Court, in each Term, in manner aforesaid. 

R. Eyre, } § Alex. Denton,
Rob. Price, } § J. Fortescue A.

Michaelmas, 3 Geo. II. 1729.

I. **I**T is hereby Ordered, That in all Causes Time of de-
which shall be tried at the Bar of this Court, living Co-
the Lord Chief Justice, and the rest of the Ju- pies of the
stices of the said Court, shall respectively have Issue to the
Copies of the Issues in the said Causes delivered Judges.
to them four Days before the Time appointed for
Trial of such Causes.

By the Court.

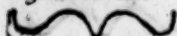
The same Term, 1729.

II. **I**T is Ordered, That upon all Proceſs ſued In what Time
out of this Court, returnable the first or ſe- the Defendant
cond Return of any Term, if the Plaintiff de- must plead
clares in *London* or *Middlesex*, and the Defendant where Proceſs
lives within twenty Miles of *London*, the Defen- is returnable
dant shall plead within four Days after ſuch De- on the 1st or
claration delivered, without any Imparlan- 2d Return of
and any Term.
ſuch Declaration may be delivered *de bene eſſe*. See E. 3 Geo. II.
And in Caſe the Plaintiff declares in any other Former Rules,
County, or the Defendant lives above twenty Hil. 9 Ann.
Miles from *London*, the Defendant shall plead reg. 2.
within eight Days after the Declaration delivered, Mic. 1 Geo. II.
without any Imparlan-
cing, as aforesaid, the Plaintiff may ſign his Judg-
ment.

By the Court.

Rules and Orders

3 Geo. II.



January 19th. the 3 Geo. II. 1729.

A Table of Fees to be taken on Commitment and Discharge of Prisoners in the Fleet.

A TABLE OF FEES to be taken by the Warden of the Prison of the *Fleet* for any Prisoner or Prisoners Commitment, or coming in to Gaol or Chamber-Rent there, or Discharge from thence in *any Civil Action*.

Settled and established the nineteenth Day of *January* in the third Year of the Reign of his Majesty King *George the Second*, *A. D.* 1729. Pursuant to an Act of Parliament lately made, Intituled *An Act for the Relief of Debtors, in respect to the Imprisonment of their Persons*.

By the Warden.

Every Prisoner charged with one or more Actions (who at his own Desire shall go on the Master's Side) to pay to the Warden for a Commitment Fee, 1 *l.* 6 *s.* 8 *d.*

Every Prisoner charged with one or more Actions (who shall go on the Common Side) not being intitled to partake of the Poor's Box, to pay 13 *s.* 4 *d.*

Every Prisoner intitled to partake of the Poor's Box.

Every Prisoner to pay for his Discharge, 7 *s.* 4 *d.*

Chamber-Rent.

Every such Prisoner on the Master's Side, who at his own Desire shall have a Bed to himself, to pay for Chamber-room, Use of Bed and Bedding, and Sheets, to the Warden *per Week*, 2 *s.* 6 *d.*

If two in a Bed and no more, for Chamber-room, Use of Bed, Bedding and Sheets, each to pay to the Warden *per Week* 1 *s.* 3 *d.*

If the Prisoner finds his own Bed, Bedding and Sheets, (which the Warden is in no sort to hinder

in the Court of Common Pleas.

hinder him of) then he shall pay for Chamber-room to the Warden *per Week* 1 s. 3 d. 3 Geo. II.

If there be two Prisoners in one Bed, finding their own Bed, Bedding and Sheets, then each of them to pay to the Warden *per Week* 7 d. $\frac{1}{2}$

Every Prisoner not being intitled to partake of the Poor's Box, to pay to the Porter and Gaoler, key, now called Turnkeys, on his Commitment, 2 s.

Every Prisoner on a Commitment, upon a Surrender at a Judge's Chamber, to pay to the Tipstaff 6 s. 8 d.

Every Prisoner on a Commitment upon a *Habeas Corpus*, at a Judge's Chambers, to pay to the Tipstaff 4 s. 2 d.

Every Prisoner on a Commitment in Court to pay to the Tipstaff 7 s. 6 d.

No other Fees for any Prisoner for the Use of Chamber, Bed, Bedding or Sheets, or upon Commitment or Discharge of any Prisoner in any Civil Action, nor any Commitment Fee to be taken of any Prisoner intitled to partake of the Poor's Box, of Fees nor any Chamber-Rent to be taken of any Prisoner on the Common Side. E. 13 Geo. I.

<i>Ed. Bellamy,</i>	}	<i>R. Raymond,</i>
<i>John Thompson,</i>		<i>R. Eyre,</i>
<i>Rob. Alsop,</i>		<i>Tho. Pengelly.</i>
<i>John Barnard,</i>		

Hillary, 3 Geo. II. 1729.

IT is Ordered, That all and every the Orders or Rules hereunder wrote and established pursuant to an Act of Parliament made and published in the second Year of the Reign of our said Lord the King, entituled *An Act for the Relief* Orders for the better Government of the Fleet.

Rules and Orders

Hil. 3 Geo. II. *Relief of Debtors with respect to the Imprisonment of their Persons*, be well, strictly and truly observed and kept, as well by the Warden of the Prison of our Lord the King of the *Fleet*, and all his Officers and Servants, as by all Prisoners who now are, or at any Time hereafter shall be, committed to the Custody of the said Warden.

And it is further Ordered, That this Rule, with all and every the Rules or Orders aforesaid shall be fixed up in the Hall of the said Prison for the Use, Benefit, and Inspection of the Prisoners detained in the aforesaid Prison.

By the Court.

CONSTITUTIONS and ORDERS renewed and established touching the Government of the *Fleet* Prison, by Sir Robert Catlyn, Knt. Chief Justice of the *King's Bench*; Sir William Cordell, Knt. Master of the Rolls; Sir James Dyer, Knt. Chief Justice of the *Common Pleas*; Sir Edward Saunders, Knt. Chief Baron of the *Exchequer*, and others, by Virtue of a Commission under the Great Seal of *England*, bearing Date the third Day of *June* in the third Year of the Reign of Queen *Elizabeth*, and afterwards reviewed and exemplified under the Great Seal, the first Day of *February* in the 37th Year of the same Reign; and again declared and established as Rules and Orders by which the said Prison of the *Fleet* should be governed by Letters Patent, granted to Sir *Jeremy Whitchot*, of the Office of Warden of the *Fleet*, in the 19th Year of the Reign of *King Charles* the Second.

3 *Eliz.*

19 *Car. II.*

Warden to
appoint
Household
Servants.

I. That it may be lawful to the said Warden, or his Deputy, to appoint so many of the Household Servants as to either of them shall seem good, to open and shut the two Utter Gates of the *Fleet*

at

in the Court of Common Pleas.

at such Hours as the Gates of *Ludgate* and *New-Hil.* 3 *Geo.* II. *gate* are accustomed to be opened and shut ; and the said Persons to carry in their Hands Halberts, Bills, or any other Weapon, as shall seem Good unto the said Warden or Deputy, within his Precinct or Liberty.

II. That it is and shall be lawful to the said Warden and his Deputy to take Order from Time to Time, that no Person coming there do carry any Weapon further than the Porter's Lodge there, be he Stranger or other, unless they be Licensed so to do by the Discretion of such as the same Warden shall appoint to keep the Gate there. And may disarm Persons coming into the Prison.

III. That it may be lawful for the said Warden, or his Deputy, and so many of his Household as shall be thought needful, to keep Watch in Harness or otherwise within his Precinct at all Times, as he shall see Cause for his better Safeguard, if he shall suspect any Prisoner within his Custody to intend to make an Escape. To Watch.

IV. That it may be lawful for the said Warden to take Order at all Times for such Money as shall be gathered at the Box, or otherwise generously given to Poor Men there, for the Distribution thereof amongst them, if any Contention shall arise ; and that the said Poor Men shall always keep one Key of the said Box, and another Key to be at the Wardens Appointment. Poor's Box.

ORDERS made by the Right Honourable Sir *Edward Herbert*, Knt. Lord Chief Justice of his Majesty's Court of *Common Pleas* at *Westminster*, and the rest of the Justices of the said Court, *Friday* the 17th Day of *February*, *Anno Domini* 1687. concerning his Majesty's Prison of the *Fleet*. 17 Feb. 1687.

V. If the Prisoners on the Master's Side refuse, Chamber- or be not able to pay their Chamber-Rent, then Rent.
and

Rules and Orders

Hil. 3 Geo. II. and in such Case the Warden has Liberty to turn them out of his or her Chamber into the Wards; but no Prisoner whatsoever to be confined under the Pretence of Non-payment of Chamber-Rent, but all of them to have Liberty of walking in the Fore-yard, Hall, and Cellar of the House in the Day-Time without Interruption; the Wards Gate in the Day-Time to stand constantly open; and to be opened, (*viz.*) at five a Clock in the Morning in the Summer, and seven in the Winter.

When the
Gates are to
be open.

And the said Justices do further Order, That the Warden shall be at Liberty to shut the Ward Gates at nine of the Clock at Night in the Winter-Time, and ten in the Summer, if he so think fit, provided he keep a Watchman constantly to attend there, to let out and in such Persons as shall have Occasion to go to the Necessary-House, they returning as soon as he or she has done there.

Warden not
to detain Pri-
soners Goods,
but may their
Persons for
Fees.

VI. That the Warden shall not for the future Detain or Imbezil any Prisoner's Goods, but that the said Warden has Liberty to detain the Person of such Prisoner or Prisoners after they are discharged by their Creditors, until all lawful Fees and Dues shall be fully paid and satisfied.

Dungeon.

VII. That the Warden shall with all convenient Speed make and provide a confined Room or Dungeon in the Wards, as it was before the great Fire of *London*, for the Confinement of Persons endeavouring to make their Escapes, or guilty of any other great Misdemeanor, that the general Quietness and Liberty of the rest of their fellow Prisoners may not be restrained or suffer thereby.

And the Persons whose Names are hereunto subscribed, having reviewed and considered the said Rules and Orders, and being informed that a confined Room was provided, according to the

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in the Court of Common Pleas.

said last mentioned Order, and that the same is *Hil. 3 Geo. II.*
boarded, Wholesome and Dry, do order and declare,
that the Rules and Orders before-mentioned shall
continue to be Rules and Orders for the better
Government of the *Fleet* Prison, and be observed
accordingly.

‘ And whereas some further Regulations are
‘ proper and necessary to be made for the better
‘ Government of the said Prison, the Persons,
‘ whose Names are hereunto subscribed, do fur-
‘ ther Order,’

VIII. That the Warden of the *Fleet* do keep Chapel.
the Chapel of the *Fleet* in good Repair, and take
Care that Divine Service be performed, and the
Sacrament of the Lord's Supper administered
therein at the usual and proper Times, according
to the Rites and Ceremonies of the Church of
England; and all Prisoners are required to attend
at the Times aforesaid, and not to absent them-
selves from the said Chapel without reasonable
Cause.

IX. And it is hereby further Ordered, That Marriages:
no Chaplain of the *Fleet*, or any Clergyman be-
ing a Prisoner within the Walls or Rules of the
Fleet, do presume to marry any Person without
License within the Prison or Rules of the *Fleet*;
and that the Warden and his Officers do use their
utmost Diligence to prevent all such Marriages.

X. That the Warden do cause the Stocks to Stocks.
be kept up in the said Prison (as has been an-
ciently practised) for the Punishment of such Pri-
soners as shall blaspheme the Name of God, be
guilty of prophane Cursing or Swearing, or shall
behave themselves in a disorderly manner.

XI. That no Prisoner do take Possession of any Chambers.
Chamber within the Prison, but with the Con-
sent of the Warden, or his Deputy, or pull down
any Partition, or make any other material Al-

Rules and Orders

Hil. 3 Geo. II. teration there, without the Consent of the Warden, or his Deputy, but that the Disposal and Appointment of the Chambers or Rooms within the said Prison be in the Warden, or his Deputy, only, yet so as neither of them do turn any Prisoner out of Possession, who shall be rightfully possessed of a Chamber without reasonable Cause; and that every Prisoner on his or her Discharge, do deliver over to the Warden, his Deputy, or Chamberlain, the Key of his Chamber, and all the Warden's Furniture therein.

Chamber-Rent to be paid in three Months or Prisoner turn'd out.

Warden may detain the Person for Arrears.

None to keep a Victualling Room without License.

XII. That the Warden or his Deputy may turn any Prisoner out of his Chamber to the Common Side, that shall refuse or neglect to pay his or her Chamber-Rent for the Space of three Months; and that the Warden, or his Deputy, shall in such Case cause an Inventory to be made of the Prisoner's Goods and Effects (if any) signed by two Witnesses, and shall immediately deliver such Goods and Effects to such Prisoner; but the Warden may still detain the Person of such Prisoner, though discharged by the Plaintiff, or in any other manner, until his Arrears of Chamber-Rent shall be fully satisfied and paid.

XIII. That no Prisoner, or other Person, shall keep any publick Room within the said Prison for selling any Victuals, Wine, Brandy, Punch, Beer, Ale, or other Liquor, without Leave from the Warden, or his Deputy; and if any Prisoner or Prisoners, shall offend in the Premises, it shall be lawful for the Warden, or his Deputy, to turn him, her, or them, out of their Room or Rooms to the Common Side; and the Warden and his Deputy are hereby required to take Care that good Order be kept in such publick Room or Rooms, as shall be allowed by either of them to be used as aforesaid.

XIV. That

in the Court of Common Pleas.

XIV. That the Warden do take effectual Care, *Hil. 3 Geo. II.*
that every Prisoner committed to his Custody be conveyed to the Prison of the Fleet, without being carried to any publick Victualling or Drinking-House, or the private House of any Tipstaff, Officer, or Minister of the *Fleet*, or of any Tenant or Relation of his, without the free and voluntary Consent of the Person or Persons so in Custody, and that no Garnish, or Money, shall be extorted by any Prisoner or Prisoners from any Person committed, for his coming into the said Prison.

Prisoners not to be carried to any Spunging House.

XV. That the Warden do cause a Table of Gifts and Bequests made for the Benefit of the Prisoners of the *Fleet*, expressing the particular Purposes for which the same are given, to be fairly writ, in a plain and legible Hand, and to be hung up in the Hall of the said Prison, and that the Warden take Care that no Prisoner, or Prisoners, be deprived or defrauded of his, her, or their Shares, Dues, or Dividends of the Charities so given; and that no Cellar-man, Turnkey, or other Officer, or Servant of the Warden, shall have any Share or Part in any Charity given to the Prisoners, or bear any Office in the said Prison which may intitle him to any Power in the Receipt or Disposition of such Charity.

XVI. That every Prisoner who shall make Oath before one of the Judges of the Court, from whence the Process issued, upon which he or she shall be taken, or charged, or before a Commissioner empowered by such Court, that he or she is not worth five Pounds, and cannot subsist without the Charities belonging to the Prisoners of the *Fleet*, shall immediately be admitted to all Shares, Dividends, and Profits arising from such Charities.

What Prisoners are intitled to Charities.

XVII. That two Rooms marked 9 and 10 up the Chapel Stairs, shall be kept as an Infirmary.

F 2. Infirmary

Rules and Orders

Hil. 3 Geo. II. mary for the Use of the Prisoners on the Common Side, who shall fall Sick of such Diseases as shall require their being removed, to prevent Infection, or for necessary Care and Relief; and that no Prisoner shall be obliged to lie in the same Bed with a diseased Person.

Repairs.

XVIII. That the Warden shall keep the Prison-House and Windows in good and necessary Repair, and keep the Drains, Bog-Houses, and Dung-hill as clean and free from Stench and Noisomeness as possible.

Notice to be given to the Coroner on the Death of Prisoners.

XIX. That when any Prisoner dies within the said Prison, the said Warden shall forthwith give Notice of such Death to the Coroner, that the said Coroner may enquire, according to Law, how such Prisoner came by his Death; and that the said Warden shall detain the Body no longer than till the Coroner's Inquest have made their Inquisition, which shall be done with all convenient Speed, and that immediately afterwards the dead Body shall be delivered to the Prisoner's Friends or Relations, if they desire it, without Fee or Reward.

Warden not to remove Prisoners to the King's Bench.

XX. That the Warden do not sue or procure to be sued out any Writ of *Habeas Corpus* to remove any Prisoner from the Prison of the Fleet to the Prison of the King's Bench.

Commitments to be entered.

XXI. That the Warden shall keep a Book in which all Commitments shall be fairly entered in the Words of such Commitment within fourteen Days after any Prisoner shall be committed.

XXII. That the Warden shall keep another Book, containing the Names of every Prisoner actually brought into the Fleet, and taken into the House, with the Name of the Party at whose Suit he shall be committed, and the Time when the Prisoner was brought to the Fleet, and received into the Prison, specifying withall the Court or Judge by whose Authority he shall be committed.

XXIII. That

in the Court of Common Pleas.

XXIII. That every Tipstaff, to whom any *Hil. 3 Geo. II.* Prisoner shall be delivered in Custody at a Judge's Chamber, shall keep a Book, containing the Name of such Prisoner, the Time when he was taken into Custody, to be signed by such Judge's Clerk; and such Judge's Clerk shall keep another Book, in which the like Entry shall be made, signed by the Tipstaff. *Tipstaff to keep a Book.*

XXIV. That the Warden shall keep a Book Declarations in which *Memorandums* shall be entered of all against Prisoners. Declarations delivered to the Turnkey or Porter, against any Prisoner in the *Fleet* Prison, containing the Names of the Parties, the Cause of Action, and the Time when such Declaration shall be delivered.

XXV. That the Warden shall keep a Book in Discharges which all Discharges of Prisoners shall be fairly entered, which Entry shall specify how such Discharge was made, whether by the Plaintiff, by *Superfedeas*, or otherwise, and such Entry shall be made within five Days after every Discharge.

XXVI. That the Warden shall keep a Book, and *Habeas* in which every Writ of *Habeas Corpus* upon *Corpus* to be which the Prisoner shall not be committed, or entered in a the Custody altered, with the Return of every Book: such Writ of *Habeas Corpus*, shall be fairly entered.

XXVII. That all the Books before-mentioned, And the except the Tipstaff's Book, shall be kept in the Books kept in publick Office of the Clerk of the Papers of the the publick *Fleet*; and that all Persons shall have Liberty to Office. resort to them, and to take Copies as there shall be Occasion.

XXVIII. That no Clerk, Officer, or Servant No Fee for whatsoever, belonging to any Judge of this Court, Petition or shall directly or indirectly Demand, Receive, or Complaint. take any Gratuity, Fee or Reward, for, or by Reason of any Petition, Complaint, or Application, that shall be made by any Prisoner, or Prisoners

Rules and Orders

Hil. 3 Geo. II. Prisoners of the said Prison, pursuant to, or founded upon any of the Rules and Orders herein before mentioned, or concerning any Mis-government in the *Fleet*.

Prisoners to be treated with Tenderneſs.

XXIX. Laſtly, That the ſaid Warden and his Officers do treat the ſeveral Priſoners in his Cuſtody with all Tenderneſs and Humanity, and that ſuch Priſoners do behave themſelves towards the Warden with that Submiſſion and Regard which the Law requires.

R. Eyre, }
Rob. Price, } { Alex. Denton,
 } { J. Forteſcue, A.

Eaſter, 3 Geo. II. 1730.

Where the Plaintiff declares in *London* or *Middleſex*, and Defendant lives within 20 Miles of *London*, Declaration ſhall be delivered with Notice to plead in 4 Days; but if he declares in any other County, or Defendant lives above 20 Miles, then with Notice to plead in 8 Days.

Mic. 1 Geo. II.
Mic. 3 Geo. II
reg. 2.

IT is Ordered, That all Declarations in *London* or *Middleſex*, delivered pursuant to the Rule of this Court made the laſt *Michaelmas* Term, on Proceſs returnable the firſt or ſecond Returns of any Term, where the Defendant lives within twenty Miles of *London*, ſhall be delivered, with Notice that the Defendant, or Defendants, plead to ſuch Action within four Days after ſuch Declaration delivered; and that all Declarations where the Plaintiff declares in any other County, or the Defendant lives above twenty Miles from *London*, ſhall be delivered with Notice to plead within eight Days after ſuch Declaration delivered.

The Rule made in *Michaelmas* Term, in the firſt Year of his preſent Maſteſty's Reign, to eſta- bliſh the Practice of this Court, upon the late Act of Parliament for preventing frivolous and vexa- tious Arreſts, to the contrary thereof in any wiſe notwithstanding.

R. Eyre, }
Rob. Price, } { Alex. Denton,
 } { J. Forteſcue, A.

Trinity,

in the Court of Common Pleas.

T. 3 & 4 Geo. II.

Trinity, 3 & 4 Geo. II. 1730.

I*t is Ordered, That from and after the last Day of this Term, if special Bail put in by the Defendant be excepted to, the Defendant shall * perfect his Bail within four Days after Exception taken, in Default whereof the Plaintiff shall be at Liberty to proceed upon the Bail-Bond.*

Special Bail to be perfected 4 Days after Exception.

Mic. 6 Geo. II.

Former Rules

Mich. 1654.

Secl. 11.

Hil. 13 & 14

By the Court.

Car. II.

Reg. 10. Mar.

5 W. & M.

Michaelmas, 5 Geo. II. 1731.

W*HEREAS many Inconveniencies have happened to the Suitors in this Court, by Attornies neglecting to file their Warrants of Attorney, by which Neglect Judgments have been reversed, and Plaintiffs have lost their Debts; to prevent the like Inconveniencies for the future,*

It is Ordered by this Court, That from and after the first Day of the next Term, no Judgment whatever (except final Judgments upon Postea, and Writs of Inquiry and Non-profs) shall be signed by any of the Prothonotaries of this Court, unless the Stamp of the Clerk of the Warrants of this Court be first impressed on the Paper whereon such Judgment is to be signed, whereby it may appear that Warrants of Attorney are duly filed.

By the Court.

* *i. e.* Shall justify without new Exception.

Rules and Orders

Mic. 6 Geo. II.

Michaelmas, 6 Geo. II. 1732.

Bail taken by Commission-
ers to be trans-
mitted in 10 Days, if with-
in 40 Miles of
London, and 20 Days if above.

I. *WHEREAS* by a Rule of this Court, made in Hillary Term in the sixth Year of the Reign of the late King George the first, it was, among other Things, Ordered, ' That all Bails taken by Commissioners, pursuant to the late Act of Parliament, for taking special Bails in the Country, should be transmitted to the Lord Chief Justice, or to one of the Justices of this Court, viz. Every Bail taken within forty Miles of London, within ten Days after the Caption thereof; and every Bail taken above forty Miles from London, within twenty Days after the Caption thereof, unless all the Justices should be in their Circuits, and then, as soon as any one of them should be returned out of his Circuit, and after such Transmission, should be forthwith delivered to, and filed with the proper Officer, to be entered upon Record; or otherwise it should be as no Bail; and the Plaintiff at Liberty to proceed on the Sheriff's Bond, as if no such Bail were ever put in.

And whereas the said Rule hath proved ineffectual, and several Abuses are daily committed by Defendants Attornies suppressing such Bails, or neglecting to file the same by the Time limited in the same Rule, to the manifest Wrong and Injury of the Plaintiffs in such Actions, and in Contempt of this Court; now for the remedying thereof,

Otherwise
shall not be
received or
filed without
Leave of the
Court.

It is Ordered, That from and after the last Day of this present Michaelmas Term, all Bails taken before any Commissioner in the Country, shall be transmitted and filed with the proper Officer,

in the Court of Common Pleas.

Officer, according to the said Rule, and that no such Bail shall be received or filed, unless the same be transmitted within the respective Times appointed by the said Rule, without Leave of this Court first had and obtained.

Mic. 6 Geo. II.

Former Rules

10 Mar. 5 W.

& M.

H. 6 Geo. I.

reg. 2.

M. 13 Geo. I.

By the Court.

The same Term, 1732.

II. **WHEREAS** it has been usually practised in this Court, in all Cases where Bail-Bonds have been taken, that if the same Bail taken by the Sheriff be put in above, that such Bail in above, yet shall not be excepted against, but shall stand good they may be excepted against and absolute; and whereas such Practice hath been found to be Inconvenient in many Instances;

It is therefore Ordered by the Lord Chief Justice, and the rest of the Justices of this Court, that from and after the last Day of this present Term, in all Cases wherein Bail-Bonds shall be taken, and the same Bail is put in above, the Plaintiff may except against such Bail.

T. 3 & 4 Geo. II.

By the Court.

The same Term, 1732.

III. **WHEREAS** great Delays have been occasioned by Defendants Attornies not delivering Demurrer-Books in due Time to the two puisne Judges of this Court;

It is Ordered, That from and after the last Day of this Term the Plaintiff's Attorney shall deliver

Rules and Orders

Mic. 6 Geo. II. deliver all the Demurrer-Books to the Lord Chief Justice and the rest of the Justices of this Court, Plaintiff's Attorney shall deliver all the Demurrer-Books to the Judges. *E. 27 Car. II.* and the Defendant's Attorney shall pay the Plaintiff's Attorney for two of the said Books, two Days at least before the Day appointed for arguing such Demurrer, and the Defendant shall not be heard by his Counsel, when the Cause comes on to be argued, unless such Payment be made as aforesaid.

By the Court.

The same Term, 1732.

Judgment to be signed only in the Prothonotary's Office. *T. 29 Car. II. reg. 5.* **IV. I T is Ordered** by the Lord Chief Justice and the rest of the Justices of this Court, That from and after the last Day of this Term, all Judgments signed in Causes depending in this Court, shall be signed in the Office of one of the Prothonotaries of this Court, and not elsewhere.

By the Court.

The same Term, 1732.

No Attorney to be Bail. *Former Rules Trin. 24 Eliz. Sect. 8. Mich. 1654. Sect. 1.* **V. I T is Ordered** by the Lord Chief Justice, and the rest of the Justices of this Court, That from and after the last Day of this Term no Attorney of this or any other Court, or any Person practising as such, shall be Bail in any Suit or Action depending in this Court.

By the Court.

The

in the Court of Common Pleas.

Mic. 6 Geo. II.

The same Term, 1732.

VI. *WHEREAS* the Rule made in Trinity Term in the third and fourth Years of his present Majesty's Reign, ' for obliging Defendants to perfect their special Bail within four Days after Exception taken, has answered the Ends for which it was made ; but no Provision has been yet made, touching Bail put in on Writs of Error :

It is therefore Ordered, That in all Cases where Bail shall be filed on Writs of Error, such Bail shall likewise be perfected within four Days after Exception taken thereto, or in Default thereof, the Clerk of the Errors of this Court shall Non-pross such Writ of Error.

Bail on Writs of Error to be perfected in 4 Days.

Mic. 12 Geo. I.
Trin. & Mic.
28 Car. II.

By the Court.

The same Term, 1732.

VII. *WHEREAS* many Inconveniencies happen in Causes depending in this Court, by reason that Sheriff's Officers, Bailiffs, and o- &c. shall be ther Persons concerned in the Execution of Process, offer themselves, and are permitted to be Bail in many Actions, and for great Sums of Money ; now for Prevention of the like Mischief and Inconveniencies for the future ;

It is Ordered by the Lord Chief Justice and the rest of the Justices of this Court, that from and after the last Day of this present Term, no Sheriff's Officer, Bailiff, or other Person concern-

Rules and Orders

Hil. 7 Geo. II. ed in the Execution of Process, shall be permitted or suffered to become Bail in any Action or Suit depending in this Court.

By the Court.

*Notice fixed
up in the Pro-
thonotary's Of-
fice.*

*Notices to ap-
pear.*

** Stat. 5 Geo.
II. cap. 27.
M. 1 Geo. II.
E. 3 Geo. II.*

Hilary, 7 Geo. II. 1733.

Attornies are desired to observe, *That in* Notices to appear, to be served upon Defendants with Copies of Process, pursuant to the late * Act of Parliament, the Day of the Return of such Process must be inserted, although it happens to be upon a Sunday.

Hilary, 8 Geo. II. 1734.

*To detain a
Prisoner in
Custody in the
Fleet, and hold
him to Bail,
Affidavit must
be made that
the Debt is
10 l. or above,
and the Sum
indorsed by
the Prothono-
tary on the
Copy of the
Declaration.
E. 8 Geo. I.*

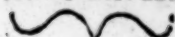
IT is Ordered, That from and after the last Day of this Term, no Copy of a Declaration delivered at the Fleet-Prison against any Prisoner there, shall be a sufficient Charge to hold such Prisoner to Bail, or to retain such Prisoner in Custody for want of Bail; Unless an Affidavit, that the Plaintiff's Cause of Action amounts to ten Pounds or upwards, be first made and filed in the proper Prothonotary's Office, and an Indorsement made by the said Prothonotary, or his Deputy, upon such Copy of a Declaration, signifying the Sum of Money specified in such Affidavit, for which Sum so indorsed Bail shall be required, and for no more,

By the Court.

The

in the Court of Common Pleas.

Hil. 8 Geo. II.



The same Term, 1734.

II. **I**T is Ordered, from and after the last Day of this Term, in all Cases where a Prisoner in the *Fleet* or other Gaol or Prison is discharged, or ordered to be discharged by this Court, or any of the Justices thereof, by *Supersedeas* for want of Prosecution, and such Prisoner be afterwards arrested, or detained in Custody by Action of Debt, brought upon Judgment obtained in the Cause wherein such Prisoner was so discharged, or ordered to be discharged, *that* a common Appearance shall be accepted for the Defendant in such Action of Debt upon Judgment.

If Prisoners discharged for want of Prosecution, be afterwards arrested by Action upon the Judgment obtained in the former Cause, a common Appearance shall be

By the Court, accepted.

Hillary, 8 Geo. II. 1734.

Notice fixed up in the Judges Chambers.

III. **B**AILS may be taken (in the Absence of Bail. the Filacer) on stampt Parchment, upon Former Rule bringing a true Abstract of the Writ. Trin. 1 W. & M.

Easter, 10 Geo. II. 1736.

TO ascertain the Practice of this Court concerning the Time for the Delivery and Demand of Declarations and Pleadings, and the serving of Notices of all Kinds,

Declarations and Notices to be delivered before nine in the Evening.

It

Rules and Orders

E. 10 Geo. II. It is Ordered by this Court, That from henceforth all Declarations and Pleadings shall be delivered, all such Demands made, and all Notices given before Nine of the Clock in the Evening.

And it is further Ordered, That the Rule made in *Michaelmas* Term in the 8th Year of his present Majesty be discharged.

By the Court.

Trinity, 10 Geo. II. 1736.

Præcipe's for Recoveries, &c. to be entered on the Remembrance. *M. 29 Car. II.* **A**Ttornies are desired to take Notice, That from and after the first Day of next Michaelmas Term, all *Præcipe's* for Recoveries, and Writs of Scire facias, be entered in the Office on the Remembrance of each respective Prothonotary to whom they belong, and that henceforth no Remembrances will be lent out for that Purpose.

Trinity, 10 & 11 Geo. II. 1737.

Trial.

Entering the Record.

TO prevent Delays in the Trial of Causes in the Circuits,

It is Ordered by all the Judges of England, That in every Cause to be tried before them in their respective Circuits, the Writ and Record shall be enter'd together; and that no Record shall be received without the Writ.

Wm. Lee,
J. Willes,
Ja. Reynolds,
F. Page,
Alex. Denton,
Law. Carter,

E. Probyn,
J. Comyns,
J. Fortescue,
Wm. Thomson,
W. Fortescue.

Hillary,

in the Court of Common Pleas.

Hil. 11 Geo. II.

Hillary, 11 Geo. II. 1737.

I. **I**T is Ordered, That from and after the last Day of this Term, all Affidavits to be produced, read or made Use of before any of the Prothonotaries of this Court, upon Taxation of Costs, &c. to be filed. Costs, and other Matters to them referred, be filed by the Secondaries in the respective Prothonotaries Offices.

J. Willes } } *J. Comyns,*
Alex. Denton, } } *J. Fortescue, A.*

The same Term, 1737.

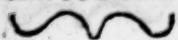
II. **I**T is Ordered, That from and after the last Day of this Term, every Attorney of this Court, who shall sue out any Attachment of Privilege against any Defendant, shall leave a *Præcipe* at the Prothonotary's Office, with the Defendants Names, not exceeding four in the whole, with the Return-Day thereto, and the Day of Signing the same, together with the Agent's or Attorney's Name who sues out the same; and that all and every such *Præcipe* shall be entered by the Prothonotaries, upon a Remembrance-Roll in their respective Offices, to be kept for that Purpose, without Fee or Reward; and that the Prothonotaries do not sign any Attachment of Privilege without such *Præcipe* be left in the Office at the Time of Signing thereof.

J. Willes, } } *J. Comyns,*
Alex. Denton, } } *J. Fortescue, A.*

The

Rules and Orders, &c.

Hil. 11 Geo. II.



The same Term, 1737.

No Fore-judger to be entered until four Days after Notice in *London* and *Middlesex*, and eight Days in other Counties.

T. 21 Car. II.
reg. 2.

III. **I**t is Ordered, That from and after the last Day of this Term, where any Bill shall be filed against any Attorney of this Court, no Forejudger shall be entered against him, upon such Bill, for want of Appearance, if the Action be laid in *London* or *Middlesex*, and such Attorney reside within twenty Miles of *London*, until four Days after Notice in Writing of filing such Bill be given to such Attorney, or his Agent, or left at his usual Place of Abode, and a Rule given for such Appearance as usual; and if such Attorney resides above twenty Miles from *London*, or the Action be laid in any other County than *London* or *Middlesex*, then no Forejudger shall be entered till eight Days after such Notice shall be given in such Manner as aforesaid, and a Rule to appear as aforesaid; the said Days to be exclusive of the Day of giving such Notice.

J. Willes, } J. Comyns,
Alex. Denton, } J. Fortescue, A.

In the S A V O Y :

Printed by E. and R. NUTT, and R. GOSLING, (Assigns of Edw. Sayer, Esq;) for Joel Stephens, at the Hand and Star between the Temple-Gates.

Trin. 13 Geo. II. 1739.

I. **I**T is Ordered by the Court, That from Costs for not and after the last Day of this Term, executing where Notice is given of the Execution of a Writ of Enquiry and not countermanded in quiry after time, the Defendant shall be intitled to Notice. Costs from the Plaintiff for not executing such Writ of Enquiry, in the same Manner, as a (a) Mich. 3 Defendant by the Course of the Court, is 1654. sect. 21. now intitled to Costs from a Plaintiff, who does not proceed to the (a) Trial of an Issue joined after Notice given.

J. Willes, 2 } J. Fortescue A.
Alex. Denton, 5 } W. Fortescue.

The same Term, 1739.

II. **I**T is Ordered by the Court, That *Posteas, &c.* from and after the last Day of this Term, where final Judgment shall be signed to be left in the Office on upon *Posteas* or *Inquisitions* upon Writs of signing Judg-Enquiry, such *Posteas* or *Inquisitions* shall ment. immediately be left with the Clerk of the Trin. 29 Car. Judgments of the respective Prothonotaries and II. reg. 5. shall not afterwards be taken out of the Office without Leave of the Court.

J. Willes, 2 } J. Fortescue A.
Alex. Denton, 5 } W. Fortescue.
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Geo.
Geo.
reg.

A TABLE to the Rules and Orders in the Court of Common Pleas.

Affidavits.

— to be filed, Hil. 11 Geo.

2.

Appearances.

— when to be entered, Hil. 6 Geo. 1. reg. 2. — Notices to appear, Hil. 7 Geo. 2.

Attachment of Privilege.

Hil. 11 Geo. 2. reg. 2.

Attorneys.

— when to apply for Admittance, Mich. 2 Geo. 2. reg. 2. — to be entered of some Inn of Court, Mich. 3 Ann. — punishable for not entering Appearances, Hil. 6 Geo. 1. reg. 2. — Forejudgers how entered against them, Hil. 11 Geo. 2. reg. 3.

Bail.

— of transmitting and entering thereof, Hil. 6 Geo. 1. reg. 2. Mich. 13 Geo. 1. Mich. 6 Geo. 2. — of taking Bail, Hil. 8 Geo. 2. reg. 3. — Exception to Bail, Mich. 6 Geo. 2. reg. 2. — perfecting Bail, Trin. 3 & 4 Geo. 2. Mich. 6 Geo. 2. reg. 6. Bail on Error and Outlawry, Mich. 12 Geo. 1. Mich. 6 Geo. 2. reg. 6.

Bail Bonds.

— when to proceed thereon, Hil. 9 Ann. reg. 4. — Hil. 6 Geo. 1. reg. 2. — Trin. 3 & 4 Geo. 2. — Mich. 6 Geo. 2. reg. 1.

Declarations.

Delivering of Declarations, Hil. 9 Ann. reg. 2, 3. — Mich. 1 Geo. 2. — Mich. 9 Geo. 2. — East. 3 Geo. 2. reg. 2.

Demanding Declarations, Mich. 1 Geo. 2. Mich. 9 Geo. 2.

Demurrer Books.

Mich. 6 Geo. 2. reg. 3.

Ejectment.

Hil. 2 Geo. 2.

Entering Causes.

Trin. 12 Geo. 1.

Fees of the Fleet Prison.

Easter, 12 Geo. 1. 19th. Jan. 3 Geo. 2. Hil. 3 Geo. 2.

Fines.

East. 9 Ann. Hil. 13 Geo. 1.

Forejudger.

Hil. 11 Geo. 2. reg. 3.

Inquiry.

When Notice of executing Inquiry may be given, Hil. 6 Geo. 1. — Trin. 10 Geo. 1. — Mich. 1 Geo. 2. — Costs for not executing Inquiry, Trin. 13 Geo. 2.

Issues.

Hil. 11 Geo. 1. — Mich. 3 Geo. 2.

Judg-

A T A B L E.

Judgments.

—when and how Signed, Mic.
1 Geo. 2. — Mich. 3 Geo. 2.
reg. 2. — Mich. 6 Geo. 2. reg.
4. — Trin. 13 Geo. 2. reg. 2.
— Mich. 5 Geo. 2. — how fet
afide Mich. 2 Geo. 2.

Non profs.

Hil. 9 Ann. reg. 3. — Mich.
6 Geo. 2. reg. 6.

Notices.

—when to be served, Mic. 9
Geo. 2. —to appear and plead
Mich. 1 Geo. 2. East. 3 Geo.
2. Hil. 7 Geo. 2. — Notice
of Motion, Mich. 2 Geo. 2.
See *Trial and Inquiry*.

Pleading.

When to Plead, Mich. 3
Geo. 2. reg. 2. East. 3 Geo. 2.

Pleas.

—when to be delivered or de-
manded, Mich. 9 Geo. 2. —
and how, Mich. 1 Geo. 2.

Prisoners.

—how discharged, Easter, 8
Geo. 1. Hil. 8 Geo. 2. reg. 2.

Prisoners in the Fleet.

Easter, 13 Geo. 1. — Jan.
19th. 3 Geo. 2. Hil. 3 Geo. 2.
Hil. 8 Geo. 2. reg. 2.

Records.

Hil. 8 Geo. 1. reg. 2. Trin.
10 & 11 Geo. 2.

Recoveries.

Trin. 10 Geo. 2.

Rolls.

Mich. 2 Geo. 1.

Scire Facias.

Trin. 10 Geo. 2.

Sheriffs.

— to return Procefs in fix
Days, Hil. 8 Geo. 1.

Trials.

— at Bar, Hil. 9 Ann.
Notice of Trial, Trin. 2 Geo.
1. — Countermand, Mich. 3
Geo. 2.

Venue.

Hil. 9 Ann. reg. 2.

Warden of the Fleet.

Easter, 13 Geo. 1. 19th.
Jan. 3 Geo. 2. Hil. 3 Geo. 2.

Warrants of Attorney.

Mich. 5 Geo. 2.

*The Statutes relating to the Practice and
Practisers of the Law.*

For Amendment of the Law.

ON Demurrer joined in any Court the Judges shall give Judgment according, as the very Right of the Cause, and Matter in Law shall appear, without regarding any Imperfection or Omission in any Writ, Pleading, &c. except it be set down as cause of Demurrer; so as sufficient Matter appear in the Pleadings, upon which the Court may give Judgment. *Stat. 4 & 5.
Anne cap. 16.* *Demurrer.*

And therefore no Exception shall be taken for an immaterial Traverse, Default of entring Pledges upon any Bill or Declaration; Or not alledging the bringing into Court any Deed, Letters Testamentary, or of Administration; Or for Omission of *Vi & Armis, Contra pacem*; Or want of Averment of *Hoc paratus est verificare*; Or for not alledging *prout patet per recordum*, or other Matter of the like nature; except the same be particularly set down and shewn for cause of Demurrer.

All Statutes of Jeofails shall extend to Judgments entered, by Confession, *Nil dicit*, or *Non sum Informatus*, in any Court of Record; and no such Judgment to be reversed, for any Imperfection, which would have been aided by those Statutes, in Case a Verdict had been given; so as an Original Writ or Bill and Warrants of Attorney be filed. See 4 Geo. 2. cap. 26. *Jeofails.*

Provided, that the Plaintiff's Attorney file his Warrant of the Term he declares, and the Defendant the Term he appears. *Warrant of
Attorney.*

Defendant in any Suit, or Plaintiff in Replevin, may with Leave of the Court plead several Matters; but if any such Matter be insufficient, Costs shall be given, unless the Judge certify there was a probable Cause to plead it. *Pleading.*

Statutes relating to

Venire.

Venires to be awarded of the Body of the County, but not to extend to appeals of Murder, Felony or Informations on penal Statutes.

Distringas for a View.

The Courts at *Westminster* may order special Writs of *Distringas*, and appoint two Persons to shew Jurors their View. See *Stat. 3 Geo. 2. cap. 25.*

Attornment.

All Conveyances of Manors, Rents, Reversion or Remainder of Messuages or Lands, shall be good, without Attornment of the particular Tenants thereof; but no Tenant prejudiced by payment of Rent, or breach of Condition for non-payment, before Notice.

Plea in Abatement.

No dilatory Plea to be received in any Court of Record, unless some probable Matter be shewn, or the Truth proved by Affidavit.

Pleading.

In Debt on a single Bill, or *Scire facias* upon a Judgment, the Defendant may plead Payment in Bar, as he may upon Bond, if the Debt be paid before the Action brought. And pending an Action on Bond, &c. the Defendant may bring in Principal, Interest, and Costs, and the Court shall give Judgment to discharge the Defendant.

Money brought into Court.

Witnesses.

Witnesses, that are good Witnesses at Tryals at common Law, good Evidence to prove a nuncupative Will.

Fines.

Declarations of Uses or Trusts, by Deed, made after the Fines or Recoveries, shall be good in Law, as if the *Stat. 29 Car. 2 cap. 3.* had not been made.

No Claim or Entry shall avoid any Fine with Proclamations, or shall be a sufficient Claim or Entry within the *Stat. 21 Jac. 1. cap. 16.* Unless an Action be commenced in one Year, after such Entry or Claim, and prosecuted with effect.

Limitation of Actions.

Suits in the Admiralty for Seamen's Wages, to be prosecuted in six Years, and if any Person, against whom Cause of Action for Seamen's Wages, Trespas, Account, Case, &c. shall be beyond Sea, the Plaintiff to bring his Action within the Time limited by this Act, and the *Stat. 21 Jac. 1. cap. 16.*

Bail-bonds.

Sheriffs taking Bail; at the Request of the Plaintiff to assign the Bail-bond, &c. by Indorsement, and then the Plaintiff may sue in his own Name, *after it is flampd.*

Warranties.

Warranties made by Tenant for Life, descending on him in the Reversion or Remainder, and all collateral Warranties by Ancestors, having no Estate of Inheritance in Possession, to be void against the Heir.

No

the Practice, &c.

No *Subpœna* shall issue out of any Court of Equity, *Chancery*. till a Bill filed (*except Injunctions to stay Waste or Law Suits*) and upon Dismissal of a Bill the Plaintiff to pay full Costs.

Upon quashing Writs of Error for Defect, or Variance *Costs*, from the Record, the Defendant to have Costs.

The Salary, Wages or Pay, due to Persons for Work *Bona notabilia* done in her Majesty's Yards, shall not be deemed *Bona notabilia*.

Actions of Account may be brought against Executors *Actions*. and Administrators of Guardians, Bailiffs, Receivers, &c. and one Jointenant may have an Action of Account against another.

PRISONERS in the *Kings-Bench* or *Fleet* going at Stat. 5 Anne large, and taken on an Escape Warrant, by Virtue cap. 9. of the Stat. 1 Ann. cap. 5. shall be committed to the *Escape*. Prison where the Sheriff keeps Debtors; and in case of Escape, Sheriff answerable.

Judges may grant Escape Warrants on Affidavits made before Commissioners in the Country.

And Prisoners may be taken on Escape Warrants (*granted by Virtue of this or the former Act*) on Sundays.

DEEDS of Bargain and Sale, may be inrolled before Stat. 5 Anne the Register (*appointed by the Stat. 2d. of Ann. cap. 18.* 4.) in the *West-riding of Yorkshire*, and be as effectual, as *Inrolment*. if inrolled in the Courts at *Westminster*. See 6 Anne cap. 35. 17 Ann. cap. 18.

PERSONS in Remainder, Reversion or Expectancy Stat. 6 Anne of any Estate after the Death of another, upon mak- cap. 18. ing Affidavit in Chancery, that they have cause to believe such Person dead, and such Death concealed by *Death*. Guardian, Trustees or others; may move the Lord *Equity*. Chancellor once a Year to appoint such Guardian, &c. to produce the Person, and if not produced, to be taken as dead; and those claiming may enter. Persons abroad to be viewed by Commissioners sent.

Persons who as Guardians, Trustees, &c. hold over *Guardians*. without Consent of the Person next intitled, adjudged *Actions*. Trespassers; and are accountable for Profits.

A MEMORIAL and Register of all Deeds, Convey- Stat. 6 Anne ances, Wills, &c. affecting Lands, to be made in the cap. 35.

Statutes relating to

East-Riding of Yorkshire. And for rendring the Register in the *West-riding* more compleat. See 2 & 3 *Ann. cap. 4.* and 5 *Ann. cap. 18.*

Stat. 7 Anne
cap. 5.
Ability.

CHILDREN of natural born Subjects born out of the Allegiance of her Majesty, are declared natural born Subjects of this Kingdom. See *Stat. 10 Ann. cap. 5.* and 4 *Geo. 2. cap. 21.*

Stat. 7 Anne
cap. 12.

Arrests.

THIS Act prohibits Arrests of Ambassadors, publick Ministers and their Servants, and all Proceſs to be void. And the Attorney suing forth the Proceſs, punished as the Lord Chancellor and the Chief Juſtices ſhall judge fit. Merchants and Traders within the Statutes of Bankrupts not to be protected by Ambassadors. The Names of Ambassadors Servants to be regiſtred in the Secretaries Office,

Stat. 7 Anne
cap. 19.

Equity.

Infants.

PERSONS under the Age of twenty one, having Eſtates in Land, &c. in Truſt, or by Way of Mortgage, may convey the ſame, as a Court of Equity on hearing all Parties, ſhall by Order direct. Such Perſon for whom the Infant is in Truſt, or the Mortgagor, &c. firſt petitioning.

And ſuch Infants being only Truſtees, or Mortgagees, may be compelled in like Manner as Truſtees, or Mortgagees of full Age. See 4 *Geo. 2. cap. 10.*

Stat. 7 Anne
cap. 20.
*Register in
Middleſex.*

AMEMORIAL and Register of all Deeds, Conveyances, Wills, &c. affecting Lands, to be made in the County of *Middleſex*; but not to extend to Copyhold Eſtates.

Stat. 7 Anne
cap. 25.
*Promiſſory
Notes.*

THE Act of the 3^d and 4th of Anne cap. 9. For giving the like Remedy upon Promiſſory Notes, as is uſed upon Bills of Exchange, and for the better Payment of Inland Bills of Exchange made perpetual.

Stat. 8 Anne
cap. 9.
Clerks.

BY this Act a Duty is laid on Money given with Clerks and Apprentices, viz. 6 *d.* in the Pound if 50 *l.* or under, and 12 *d.* in the Pound, if above. The Duty to be paid by the Maſter in one Month, if the Indenture be executed within the Bills of Mortality, or two Months, if at a greater diſtance. *Made perpetual by 9th Anne, cap. 21.*

GOODS

the Practice, &c.

GOODS or Chattels in Messuages, Lands, &c. leased for Years, at will, or otherwise, are not to be taken in Execution, or extended, unless the Plaintiff before removal, shall pay the Rent due, but not exceeding one Year's Rent. Stat. 8 Anne cap. 17. Executions.

Where Lessees fraudulently convey away Goods, the Lessor may in five Days after seise such Goods, where-soever found, as a Distress, for the Rent in Arrear; except Goods sold for a valuable Consideration before Seizure.

Distress may be taken for Rent in Arrear where Leases are expired, provided it be made in 6 Months, and during the Landlord's Title, and the Tenant be in Possession. See 2 *W. & M. cap. 5. Sess. 1.* Distress.

An Action of Debt may be brought against Tenant for Life, for Arrears of Rent.

SECURITIES for Money won at play to be void, Stat. 9 Anne and if any Person shall lose by Gaming at one Time cap. 14. 10 *l.* he may recover the same from the Winner by Action of Debt; the Action to be brought within 3 Months. Actions. If the Loser do not prosecute, others may, and recover treble Value with Costs, one Moiety to the Informer, the other to the Poor.

PROCEEDINGS on a *Mandamus*, to be in nature Stat. 9 Anne of an Action on the Case, for a false return. The cap. 20. Statutes of *Jessails* to extend to Writs of *Mandamus*, &c. *Mandamus.*

A *Quo Warranto* may be brought against Persons intruding into the Office of Mayor, Bailiff, &c. in Corporations, and if the Defendant be found guilty, the Court to give Judgment of *Ouster* and Fine the Offender. *Quo Warranto.*

COPIES of the Inrolment of Bargains and Sales examined and signed by the proper Officer and proved; shall be of the same Force with the Indenture of Bargain and Sale. See 27 *H. 8. cap. 16.* Stat. 10 Anne cap. 18. *Inrolment.*

FRAUDULENT Conveyances, to multiply Votes at Elections; to be taken, against the Persons making them, free and absolute, &c. See 7 & 8 *W. 3. cap. 25.* Stat. 10 Anne cap. 23. Elections.

INTEREST of Money (*after 29th Sept. 1714.*) reduced to 5 per Cent. Bonds, Contracts, &c. made for Monies lent, at a greater Interest, void; and the Offender Stat. 12 Anne cap. 16. *sess. 2.* Interest of Monies.

Statutes relating to

fender to forfeit treble Value. Brokers, Solicitors, and drivers of Bargains, &c. not to take more than 5 s. for 100 l. for a Year, for Brokage or procuring the Loan, and so ratably; nor above 12 d. besides stamp Duties, for making the Bond, under the Penalty of 20 l.

Stat. 1 Geo. 1.
cap. 6.
Quakers
Affirmation.

THE Act of the 7th & 8th K. William cap. 34. That the Affirmation of the People called *Quakers*, shall be accepted instead of an Oath, is by this Act made perpetual. By the 8th Geo. 1. cap. 6. the Form of their Affirmation is settled.

Stat. 1. Geo.
1. cap. 13.
Attorneys.

COUNSELLORS, Attorneys, Solicitors, &c. practising in any Court to take the Oaths of Allegiance, Supremacy and Abjuration on the Penalties of this Act. See Stat. 9 Geo. 2. cap. 26.

Stat. 1 Geo. 1.
cap. 55.
Inrolment of
Deeds.
Papists.

THE *Custos Rotulorum*, two Justices of the Peace, and the Clerk of the Peace to inrol Deeds of Bargain and Sale of Land of Papists.

And the Clerk of the Peace to register their Estates. See 3 Geo. 1. cap. 18. 10 Geo. 1. cap. 4. and 9 Geo. 2. cap. 26.

Stat. 3. Geo. 1.
cap. 15. 16.

SHERIFFS are not to take more than 1 s. in the Pound of the yearly value of the Lands for executing a Writ of *Habere facias possessionem*, where the whole exceeds not 100 l. per Annum, and 6 d. in the Pound, if above.

Sheriffs.

Sheriffs taking Poundage in a *Capias ad Satisfaciendum* for a greater Sum than the real Debt, to forfeit treble Damages and 200 l. The Sum due, must be marked on the back of the Writ, before it be delivered to the Sheriff, and by Stat. 8. Geo. 1. cap. 25. no greater Poundage is to be taken on an Extent and *Liberate*, under the like Penalties.

On the decease of Sheriffs, the Under-Sheriffs to act in their Names till others appointed, and be answerable.

4000 l. yearly set apart at the Exchequer, and allowed amongst the Sheriffs of the several Counties to help pass their Accounts.

GUINEAS.

the Practice, &c.

GUINEAS sunk to 21 s. by Proclamation.

4 Geo. 2.
Coin.

WRITS of Error varying from the Original Record, or otherwise defective, may be amended, and where Verdict hath been given in any Action, &c. the Judgment shall not be stayed or reversed, for defect in Form or Substance in any Writ, &c. or variance from the Declaration or the Proceedings; not to extend to Appeals of Felony, or Process on Indictments, &c.

Stat. 5 Geo. 1.
cap. 13.
Error.

NO Warrants to Arrest shall be delivered out by Sheriffs, &c. till they actually have the Writs, upon pain of 10 l. Forfeiture. And every Warrant shall have the same Day and Year set down thereon, as shall be on the Writ itself under the like Penalty, see *Stat. 9. W. 3. cap. 25.*

Stat. 6. Geo. 1.
cap. 21.
Sheriffs.

AN Act for the King's most gracious general and free Pardon.

Stat. 7. Geo. 1.
cap. 29.
Pardon.

ANY Person guilty of defrauding the Customs or knowingly receiving run Goods, may be prosecuted by Action, Bill, &c. and thereupon a *Capias* in the first Process may issue specifying the Penalty sued for; and such Person shall be obliged to give sufficient Bail for his appearing at the Return of the Writ; and at the Time of Appearance shall likewise give sufficient Bail to answer all Forfeitures in case he be convicted, or to yield his Body to Prison. See 12 Geo. 1. c. 29. and 9 Geo. 2. cap. 35.

Stat. 8. Geo. 1.
cap. 18.
Bail.

THE Penalties for destroying the Game are recoverable by Action of Debt, or on the Case, as well as by Information before Justices of Peace. Provided the Action be brought before the End of the next Term after the Offence was committed.

Stat. 8. Geo. 1.
cap. 19.
Actions.
Game.

Any Person may prosecute before the Justice, or sue for the Penalties. See *Stat. 5. Anne cap. 14. & 9 Anne cap. 25.*

ON signing Judgment in the Courts of grand Sessions in *Wales*, or Counties Palatine of *Chester*, *Lancashire* and *Durham*, the Judge or Officer shall set down the Day and Year when signed,

Stat. 8. Geo. 1.
cap. 25.
Judgments.

By

Statutes relating to

Recognizances. By this Act, the Defects in the *Stat. 23 H. 8. c. 6.* for taking Recognizances in Nature of a Statute Staple by the two Chief Justices, the Mayor of the Staple, and the Recorder of *London* are amended.

Stat. 9. Geo. 1.
cap. 28.
*Privileged
Places.*

IF any Person shall obstruct Execution of Process in the *Mint*, or the Liberties thereof, and abuse the Person executing the same, the Offenders guilty of Felony, and to be transported for 7 Years. See 11 *Geo. 1. cap. 22.* and 8 & 9. *W. 3. cap. 26.*

Stat. 11 Geo.
1. cap. 21.
Debtors.

INSOLVENT Debtors in Prison on the 29th Sept. 1724. discharged on delivering up their whole Estates upon Oath; but not to extend to Prisoners indebted to the Crown, or that owe to any one Person 100 *l.* Judgments, &c. to be good against the Lands of Persons discharged. See 2 *Geo. 2. cap. 20.*

Stat. 11 Geo.
1. cap. 22.
*Privileged
Places.*

IF any Number of Persons exceeding three, shall in the Hamlet of *Wapping Stepney*, or other Place within the Weekly Bills, obstruct the Execution of any legal Process, and abuse the Person that executes the same; the Offenders, guilty of Felony, and shall be transported for seven Years.

On Complaint to a Judge, he may order the Sheriff to raise the *Posse Comitatus*, and enter such Places, and execute Process, &c.

Stat. 12 Geo.
1. cap. 28.
*Execution.
Smuglers.*

PERSONS in Prison for want of Bail, on Informations for Offences relating to the Customs or Excise, neglecting to appear and plead by the space of one Term; Judgment may be entered against them by Default, and Execution awarded against both Body and Estate.

Stat. 12 Geo.
1. cap. 29.
Bail.

ON Writs out of a superior Court, where the Cause of Action amounts not to 10 *l.* and out of an Inferior, when under 40 *s.* no Person shall be held to special Bail. And where it is under those Sums the Defendant shall not be arrested, but be personally served with a Copy of the Process, and not appearing at the Return, or within * *Four Days* after, the Plaintiff may enter a Common Appearance for him, and proceed, &c.

* See 5 Geo.
2. cap. 27.
Arrests.

Where the Defendant is to be arrested, Affidavit shall be made and filed of the Cause of Action, when it is 10 *l.* or upwards, and the Sum indorsed on the Writ, for which

the Practice, &c.

which Sum the Sheriff shall take Bail, and for no more.

If no Affidavit be made, the Plaintiff shall proceed in like manner as directed, where the Cause of Action does not amount to 10 *l.* or 40 *s.*

Judges of inferior Courts shall proceed in Actions under 5 *l.* altho' there are other Actions against the Defendant which may exceed that Sum.

*No removing
Actions under
5 l.*

Persons convicted of Forgery, Perjury, or common Barratry, and after 24 June 1726, acting as Attorneys, &c. in any Court of Record, the Judge on Complaint may examine the Matter in a summary Way, and cause the Offenders to be transported as Felons. This Act to continue in Force 5 Years; *further continued by 5 Geo. 2. cap. 27.*

Forgery, &c.

THE Chief Justice of the *King's-Bench* and *Common-Pleas*, &c. or in their Absence, any other Judges of the Courts, as Justices of *Nisi Prius* for *Middlesex*, within the Term, or eight Days after, are to try Issues, &c. according to the *Act 18 Eliz.* and Officers, Parties, and Witnesses, &c. to attend.

*Stat. 12 Geo.
1. cap. 31.
Sittings.*

FOR Securing the Monies and Effects of the Suitors of the Court of *Chancery* in the Bank, and for appointing an Accountant-General.

*Stat. 12 Geo.
1. cap. 32.
Chancery.*

FOR Relief of Insolvent Debtors, who were beyond the Seas on the 1st of *February* 1728, or in actual Custody on or before the 29th *Sept.* 1728, and for discharging them from Imprisonment on delivering up their Effects to their Creditors on Oath; but not to discharge Persons indebted to the Crown, or that owe to one Person 500 *l.* If any Creditor oppose the discharging such Debtor, he shall allow him 3 *s.* 6 *d.* *per Week*, whilst in Prison.

*Stat. 2 Geo. 2.
cap. 20.*

Debtors.

Prisoners forswearing themselves guilty of Felony.

Persons intitled to the Benefit of this Act, shall obtain their respective Discharges before the 29th *Sept.* 1731.

NO Bailiff shall carry any Person arrested to a Tavern, Alehouse, or private House, without his Consent, &c. nor shall demand any greater Sum than the Law allows, or receive a greater Sum for one or more Night's Lodging, or a Day's Diet, &c. than allowed by

*Stat. 2 Geo. 2.
cap. 22.*

Arrest,

Statutes relating to

Order of the Justices of the Peace, nor carry any Person to Prison within twenty four Hours from the Time of Arrest. See *Stat. 3 Geo. 2. c. 27. 8 Geo. 2. cap. 24. and 22. & 23 Car. 2. cap. 20.*

Debtors in Execution for any Sum under 100 l. discharged on delivery of their Effects.

** see Stat. 3. Geo. 2. c. 27.*

Persons charged in Execution for any Sum not exceeding 100 l. after 29 Sept. 1728, may exhibit a Petition to the Court, whence the Process issued, with an Account of all their Estates on Oath, and thereupon the Prisoner shall be * brought up, and his Creditors summoned to appear, when the Court in a summary Way is to examine into the same, and order the Estate of the Prisoner to be assigned to the Creditors, and upon such Assignment, the Prisoner shall be discharged out of Prison; but if Creditors are dissatisfied with the Truth of the Prisoner's Oath, he is to be remanded till another Day, and then if the Creditors cannot discover any Effects omitted, he shall be discharged, unless they insist on his being detained, and agree to pay him 2 s. 4 d. per Week.

Although the Person is released, yet Judgments will be in Force against his Lands, &c.

One Debt may be set against another, if of the same Nature, but see 8 Geo. 2. cap. 24.

Where there are mutual Debts between Plaintiff and Defendant, one Debt may be set against the other, and such Matter may be given in Evidence upon the general Issue, or pleaded in Bar, as the Nature of the Case shall require, so as at the Time of pleading the general Issue Notice be given of the particular Sum or Debt so intended to be insisted on, and upon what Account it became due, otherwise not to be allowed in Evidence.

This Act to continue in force five Years, and from thence to the End of the next Sessions. *Amended and continued by 8 Geo. 2. cap. 24.*

Stat. 2 Geo. 2. cap. 23.

Attorneys,

ATTORNEYS and Solicitors are to be sworn and admitted by the Judges before allowed to Practice in the Courts at *Westminster*.

And every Writ and Process served on a Defendant, shall be indorsed with the Name of the Attorney concerned. If any Attorney shall make out Writs, or act in any Court, without being admitted and inrolled, he shall forfeit 50 l. Attorneys admitting others (*except sworn Attorneys*) to sue forth Writs in their Names, to be disabled.

Solicitors.

Persons sworn Attorneys, may be admitted Solicitors in Courts of Equity:

the Practice, &c.

For the future no Person to practise as an Attorney, unless he hath served a Clerkship of five Years, and shall be examined, sworn and admitted in open Court. No Attorney shall have more than two Clerks, &c. See 6 Geo. 2. cap. 27.

Attorneys and Solicitors not to bring any Action for Fees, till one Month after the Delivery of their Bills; *Actions for Fees.* such Bills to be written in a common legible Hand, and in the *English* Tongue, except Law Terms, and Names of Writs, and in Words at length, except Times and Sums; and subscribed with the proper Hand of such Attorney, &c. And the Parties may get them taxed in the mean Time, and then not paying what remains due, shall be liable to Attachment; but if the Bill be reduced a sixth Part, the Attorney to pay the Costs of Taxation. This Act to continue in force nine Years, from 1st June 1729.

THE Court before whom any Person is convicted of Stat. 2 Geo. 2. Perjury or Subornation, besides the Punishment already inflicted, shall order the Offender to the House of Correction for seven Years, or transported for the like Term, as in Cases of Felons. cap. 25. *Perjury.*

The forging of Deeds, Wills, &c. or stealing Bonds, Notes, &c. Felony without Benefit of Clergy; this Act to continue in Force five Years. See 9 Geo. 2. cap. 8. *Forgery.*

PERSONS prosecuted for Running Goods, enabled by this Act to defend in *Forma Pauperis.* Stat. 2 Geo. 2. cap. 28. *Pauper.*

PERSONS who had neglected to take the Oaths and qualify themselves, indemnified by this Act, on taking the said Oaths, &c. on or before 28 Nov. 1729. Stat. 2 Geo. 2. cap. 31. *Oaths.*

For the future, Persons admitted into Places, &c. may qualify themselves at any Time, before the End of the next Quarter Sessions. *Enlarged by* 9 Geo. 2. cap. 26.

LISTS of Jurors qualified according to the Acts of the 7th and 8th of K. W. cap. 32. and 3 and 4 Anne, cap. 18. are to be made by Constables, from Rates of Parishes, and yearly fixed to Doors of Churches, &c. twenty Days before *Michaelmas*, that publick Notice may be given of Persons omitted, or inserted by Mistake; returning Officers, wilfully omitting Freeholders qualified, or inserting wrong Persons, shall forfeit 20 s. *Jurors.*

Statutes relating to

which being certified to the Quarter Sessions, the Justices are to direct the Clerk of the Sessions to make the Lists right.

Duplicates of Lists, when adjusted, to be delivered to the Sheriffs by the Clerk of the Peace, under the Penalty of 20 *l.* and Sheriffs are to enter the Names of the Persons, in a Book alphabetically, with their Additions and Places of abode.

Penalties on Clerk of Assize, and Sheriffs.

If any Sheriff return other Persons to serve on Juries, or the Clerk of the Assize record any Appearance when the Party did not appear, they shall be fined by the Judges of Assize, not exceeding 10 *l.* nor less than 40 *s.* the like Penalty for Sheriffs taking Money to excuse Persons from serving. And the Judges may fine the Sheriffs, &c. not exceeding 5 *l.* for returning Jurors, who have served within two Years before in any County except *York*, &c. See *Stat. 4 Geo. 2. cap. 7.*

Sheriffs on Return of Ve. Fa. to annex a Panel of Jurors.

Sheriffs on Return of *Venire Facias*, (unless in Causes to be tried at Bar, or where a special Jury is to be struck by Rule of Court) shall annex a Panel of Jurors, not less than 48, nor more than 72; but a Judge appointed for the Circuit may order a greater or lesser Number. And the Writs of *Habeas Corpora Juratorum*, and *Distingas*, subsequent to the *Venire Facias Juratores*, need not have inserted in the Bodies of such respective Writs, the Names of all the Persons contained in such Panel, but it shall be sufficient to insert in the mandatory Part of such Writs respectively, *Corpora separalium personarum in pannello huic brevi annexo nominatarum*, or Words of the like import; and to annex to such Writs Panels containing the same Names as were returned in the Panel to the *Venire Facias*, with their Additions and Places of Abode, that the Parties concerned may have timely Notice of the Jurors who are to serve, in order to make their Challenges. For making the Returns and Panels aforesaid, no new Fee shall be taken; and the Persons named in such Panels, shall be summoned to serve on Juries at the then next Assizes, or Sessions of *Nisi Prius*, for the respective Counties named in such Writs, and no others.

The Names in the Panel need not be inserted in the Habeas Corp. Jur. or Distingas.

The Names of the Persons impanelled, are to be written on Pieces of Paper, or Parchment, and delivered to the Marshal of the Assize, and by him rolled up, and put in a Box, and when any Cause is brought on, some indifferent Person shall in open Court draw out twelve of the said Papers of Names, who not being challenged, will be

Ballot.

the Practice, &c.

be the Jury. But if any are challenged, and set aside, or do not appear, then a further Number to be drawn, till there be a full Jury.

Where a Cause comes on, before the Jury in another Cause shall have given their Verdict, the Court may order twelve of the Residue of the Papers to be drawn. Jurors making Default (*unless reasonable Cause of Absence be proved*) upon Oath made, that they were lawfully summoned, shall be fined not above 5 *l.* nor under 40 *s.*

Where a View shall be allowed, six or more of the Jurors named in such Panel, who shall be consented to by the Parries, or their Agents, (or if they cannot agree shall be named by the proper Officer of the respective Courts at *Westminster*, or by a Judge of the Court where the Cause is depending, or before whom the Cause shall be brought on to Trial) shall have the View, and shall be first sworn, or such of them as appear upon the Jury to try the said Cause, before any Drawing, as aforesaid, and so many only shall be drawn, to be added to the Viewers who shall appear, as shall after all Defaulters, and Challenges allowed, make up the Number of twelve, to be sworn for the Trial of such Cause.

Method in case of a View.

In Trials of Issues on Indictments, &c. and all Actions whatsoever, the Courts at *Westminster* may at the Motion of either Party, order a special Jury to be struck, as on Trials at Bar; and when ordered by Rule of Court in Cases arising in any City, &c. the Jury shall be taken out of the Lists or Books of Persons qualified, which are to be brought by the Sheriffs, &c. before the proper Officer, as the Freeholders Book is for Causes arising in Counties.

Special Juries.

The Party applying for such special Jury, shall pay the Fees, and shall have no Allowance for the same on Taxation of Costs.

Persons having an Estate in Possession in Lands in their own Right, of the yearly Value of 20 *l.* over and above the reserved Rent payable thereout, such Lands, being held by Lease for the absolute Term of 500 Years or more, or for 99 Years, or any other Term determinable on one or more Lives, such Leaseholder shall, and may, be impanelled to serve on Juries, in like Manner as Freeholders.

Who are qualified to be inserted in Lists.

Sheriffs of any County or City, shall not impanel Persons on any Jury for the Trial of Capital Offences, who would not be qualified to serve in Civil Causes.

Sheriffs

Statutes relating to

Or to serve in London.

Sheriffs in *London* not to impanel any Person, who shall not be an Householder within the City, and hath Lands, Tenements, or Personal Estate, to the Value of 100*l.* such Person may be challenged and examined on Oath of the Truth of the Matter.

Continuance.

This Act to continue to the 1st of *Sept.* 1733, and from thence to the End of the next Sessions. See *Stat.* 4. *Geo.* 2. *cap.* 7. and by 6 *Geo.* 2. *cap.* 37. made perpetual.

Stat. 3 *Geo.* 2. *cap.* 27.

Insolvent Debtors in Country Gaols, may be brought to the Assizes, and discharged.

PRISONERS in Execution in any Prison, except *London, Westminster* and *Southwark*, before they petition the Court to be brought up, and discharged, are to give their Creditors Notice, and a true Copy of the Account of their whole Estates; and upon such Petition, the Prisoner shall have a Rule of Court to be brought up to the next Assizes for the County, at the Expence of 12*d.* *per Mile*, to be paid the Officers, out of the Effects of the Prisoner, or of the County Stock, &c. and the Creditors must be summoned to appear by Order served thirty Days before the Assizes; and there the Judges on Examination, shall determine the Matter, and give Judgment, and Relief, which is to be certified to the Court, from whence the Process of Execution issued to be a Record of the said Court, &c. See 2 *Geo.* 2. *cap.* 22.

Arrests.

Persons arrested, refusing to be carried to some safe and convenient House of his own Appointment, may be carried to Gaol. See *Stat.* 2. *Geo.* 2. *cap.* 22.

Stat. 4. *Geo.* 2. *cap.* 7. *Jurors.*

Jurors in Middlesex.

BY the *Stat.* 3 *Geo.* 2. *cap.* 25. No Person to be returned as a Juror at Assizes, or *Nisi Prius*, who has served within one Year in *Wales, Lancashire, Cheshire* and *Durham*, four Years in *Yorkshire*, or two Years in any other County, not being a County of a Town or City.

This Clause not to extend to the County of *Middlesex*, provided that no Juror be returned in that County to serve at Sessions of *Nisi Prius*, who has been returned in the two Terms or Vacations preceding.

Leaseholders in *Middlesex*, where the improved Rents amount to 50*l.* *per Ann.* over and above all Ground Rents and Reservations, are liable to serve on Juries. Made perpetual by 6 *Geo.* 2. *cap.* 37.

Stat. 4. *Geo.* 2. *cap.* 10. *Equity.*

IDEOTS and Lunaticks, who are seized or possessed of Estates in Fee, or for Lives or Term of Years, in Trust, or by Way of Mortgage, may, on hearing Parties in

the Practice, &c.

in Chancery, and Order made, be compelled to make Conveyances, Surrenders, or Assignments of such Estates.

THE Statute 7 Anne, cap. 5. not to extend to such Stat. 4 Geo. 2. Children, whose Fathers, at the Time of their Birth, cap. 21. were attainted of Treason, or liable to the Penalties of Treason or Felony, on returning to this Kingdom, or Ireland, without Licence, or whose Fathers at their Birth, were or shall be, in the actual Service of any Foreign Prince, then in Enmity with the Crown, except such Children who have between the 16th Nov. 1708, and 25th March 1731, resided two Years in Great-Britain or Ireland, and professed the Protestant Religion, and died in Great-Britain in that Time. *Alien. Ability.*

AFTER 25th March, 1733. All Writs, Process, Stat. 4 Geo. 2. and Returns thereof, and Proceedings thereon, and cap. 26. all Pleadings, Rules, Orders, Indictments, Informations, Inquisitions, Presentments, Verdicts, Prohibitions, Certificates, and all Patents, Charters, Pardons, Commissions, Records, Judgments, Statutes, Recognizances, Bonds, Rolls, Entries, Fines, and Recoveries, and all Proceedings relating thereunto, and all Proceedings of Courts-Leet, Courts-Baron, and Customary-Courts, and Copies thereof, and all Proceedings in Courts of Justice in England, or the Exchequer in Scotland, which concern the Law or Administration of Justice, shall be in English, and not Latin or French, and writ in a common legible Hand and Character, as Acts of Parliament are usually ingrossed in, and at least as close, and in Words at length, and not abbreviated, under the Penalty of 50 l. See Stat. 6 Geo. 2. cap. 14. *All Proceedings in Courts of Justice to be in English.*

Mis-translations, Errors in Form, Mistakes of Clerks, in Proceedings begun before 25th March 1733, being Part in Latin, and Part in English, may be amended, whether on Paper or Record, on payment of Costs. *Amendment.*

The Business of the Court of Admiralty may be certified beyond Sea, &c. in Latin as formerly.

The Statutes of Jeofails shall extend to Proceedings in English, except in Criminal Cases. 14 Ed. 3. cap. 6. Jeofails. 9 H. 5. c. 4. 4 H. 6. cap. 3. 8 H. 6. cap. 12, 15. 32 H. 8. cap. 30. 18 Eliz. cap. 14. 21 Jac. 1. cap. 13. 16 and 17 Car. 2. cap. 8. 4 & 5 Anne, cap. 16. 9 Anne, cap. 20. 5 Geo. 1. c. 13.

Statutes relating to

Stat. 4 Geo. 2.
cap. 28.

Ejectment.

Bail.

*Where the
Landlord has
a Right to Re-
enter for Non-
payment of
Rent, Decla-
ration may be
served or fixed
on the Door,
without Re-
entry, &c.*

IN Case any Tenant for Life, or Term of Years, or other Person coming into the Possession of Lands or Tenements by Collusion with such Tenant, shall wilfully hold over Lands or Tenements, after the Determination of such Term; and after Demand made, or Notice in Writing given, for delivering the Possession thereof by the Landlord or Lessor, the Person so holding over, shall pay double the yearly Value, and the Defendant in such Action shall give special Bail, and have no Relief in Equity.

In all Cases between Landlord and Tenant, after the 24th of June 1731, when half a Year's Rent shall be in Arrear, and the Landlord having a lawful Right to Re-enter for Non-payment of the Rent, may serve a Declaration in Ejectment without a formal Demand or Re-entry, or affix such Declaration on the Door of the demised Messuage, or notorious Place of the Lands, which shall be deemed a legal Service; and on Proof, that half a Year's Rent was due before the Declaration was served, and no sufficient Distress on the Premises, the Lessor shall recover Judgment and Execution, as fully as in Case a formal Re-entry had been made; and if the Lessee shall suffer Judgment to be recovered on such Ejectment, and Execution, without paying the Arrears and Costs, and without filing a Bill within six Months after the Execution, he shall be barred from all Relief in Law or Equity, other than by Writ of Error: And the Lessor shall hold the demised Premises as discharged from such Lease; but not to bar the Right of any Mortgagee, provided he pay all Rent and Costs within six Months after the Judgment obtained, and perform all the Covenants of the Lessee.

Equity.

If the Lessee shall within the Term aforesaid, file a Bill for Relief in Equity, no Injunction is to be granted, unless he, within forty Days after an Answer filed, by the Lessor, shall deposite in Court the whole Rent in Arrear, besides Costs subject to the Decree of the Court: And if the Lessor shall actually enter into the Possession of the demised Premises, and the Lessee on filing a Bill within the said Time limited, shall obtain a Decree in his Favour, the Lessor is to be accountable only for the Profits really made of the Premises during his Possession thereof; and the Lessee is to pay to the Lessor so much Money, as that fell short of the whole Rent in Arrear, before he be restored to his former Possession.

But

the Practice, &c.

But if the Tenant before the Trial will either render to the Lessor, or bring into Court the Rent in Arrear, together with Costs, all further Proceedings shall cease: And if the Lessee be relieved in Enquiry, he shall enjoy the demised Premises, according to the Lease thereof, without obtaining a new Lease.

All Persons, Bodies Politick and Corporate, may have the like Remedy by Distress and Sale, in Cases of Rent Seck, Rents of Assize and chief Rents, which have been duly paid for three Years, within twenty Years, before * the first Day of this Parliament, or shall be hereafter created, as in Cases of Rent reserved upon Lease.

*Rent Seck.
Limitation.*

* *Began the
23 Jan. 1727.*

If any Lease shall be duly surrendered in order to be renewed, and a new Lease granted by the chief Landlord, it shall be good and valid, as if all the under Leases had been likewise surrendered before the taking of such new Lease. And all Persons vested therewith shall be entitled to the Rents, and have the like Remedy for the Recovery thereof. And the Under-Lessees are to enjoy the demised Premises, as fully, as if the original Leases had still continued; and the chief Landlord shall have the same Remedy for recovering his Rent, as he would have had, in case the respective Under-Leases had been renewed under such new principal Lease.

Leases.

This Act not to extend to *Scotland*.

FOR the more easy Recovery of Debts in the Plantations, the Plaintiff, Defendant, or any Witness, may make Affidavit before the Chief Magistrate of any Town Corporate in *Great-Britain*, near which they reside, and being certified and transmitted under the Common Seal, to be of the same Force, as if the Persons making the same, had appeared in open Court.

*Stat. 5 Geo. 2.
cap. 7.*

*Debts in the
Plantations.*

AFTER 25th March 1733. No Person qualified to be a Justice of the Peace, who has not an Estate in Fee, or for Life, or 21 Years, in Lands, Tenements, &c. of the yearly Value of 100 *l.* above all Incumbrances.

*Stat. 5 Geo. 2.
cap. 18.*

No Attorney, Solicitor, or Proctor of any Court, capable of acting as a Justice, during the Time he shall continue his Practice, on Penalty of 100 *l.*

Attorneys.

Statutes relating to

Stat. 5 Geo. 2.
cap. 19.

Certiorari.

Costs.

JUSTICES at the General Quarter Session upon Appeals, are to rectify Defects in Form, in the original Judgment or Order, without charge to the Parties. And no *Certiorari* to be allowed to remove such Judgment or Order, unless the Party with sufficient Sureties enter into a Recognizance of 50 *l.* to prosecute with effect, and pay Costs if Judgment or Order be confirmed; On Non-performance, Justices to proceed.

Stat. 5 Geo. 2.
cap. 25.
Equity.

FOR making Procefs in Courts of Equity effectual, against Persons who abscond and cannot be served therewith, or refuse to appear: The Court may make Order for the Defendant's Appearance, to be inserted in the Gazette, &c. on Non-appearance, the Plaintiff's Bill to be taken *pro confesso*.

Stat. 5 Geo. 2.
cap. 27.
Procefs under 10 l. to be in English.

AFTER the End of this Sessions (*viz.* 1 June, 1732.) Procefs, &c. under 10 *l.* in superior, and 40 *s.* in inferior Courts shall be in *English*, in a common legible Hand, and in Words at length: And the Defendant having been served with a Copy of the Procefs, shall appear at the Return of the Writ, or within eight Days after. See 6 Geo. 2. cap. 14.

Affidavit of Service of Procefs, may be made before any Judge or Commissioner, or before the proper Officer for entering common Appearances, or his Deputy, and filed *gratis*.

No Attorney, &c. shall take more than 5 *s.* for making and serving Copy of Procefs in superior, or 1 *s.* in inferior Courts.

In peculiar Franchises and Jurisdictions, the proper Officer there shall execute such Procefs.

Notice.

Upon every Copy of such Procefs, shall be written an *English* Notice of the Intent of such Service, to the following Effect. *C. D. You are served with this Procefs, to the Intent, that you may by your Attorney appear in his Majesty's Court of ——— at the Return thereof being the*

* See the Rule
in C. B. Hil.
7 Geo. 2.

*——— * Day of ——— in order to your Defence in this Action.* And for which Notice, no Fee shall be taken.

After the End of this Sessions (*viz.* 1 June 1732) no special Writ, nor any Procefs, specially therein expressing the Cause of Action, shall be sued forth from any superior Court, unless the Cause of Action amount

Special Writs. to the Sum of 10 *l.* or upwards; Penalty on Attorney

the Practice, &c.

or Officer issuing such special Writs, 10 *l.* and Costs of Suit, and all Proceedings void.

This Act, and the *Stat. 12 Geo. 1. cap. 29.* to continue from the first of *June 1732*, for seven Years, and to the End of the next Sessions.

BANKRUPTS since the 14th *May 1729*, not surrendering within forty two Days after Notice of Commission issued, and conforming to the several Statutes now in force; or imbeziling Goods to the Value of 20 *l.* guilty of Felony; and the Goods of the Bankrupt condemned, to go to the Creditors. *Stat. 5 Geo. 2. cap. 30.*

Bankrupts.

The Commissioners to appoint three several Meetings for the Bankrupt to surrender, &c. the last to be on the 42d Day, but the Lord Chancellor may enlarge the Time for surrendering.

Books of Accounts, to be delivered to the Assignees on Oath, and Bankrupts to attend Assignees, (*unless in Prison or Custody*) and inspect Accounts, and be free from Arrests, Restraint, &c. during Examination, if not in Custody before; on Penalty of 5 *l.* on the Officer detaining Bankrupt from attending the Assignees.

Bankrupts in Custody, to be brought before Commissioners at the Creditors Expence, but if in Execution the Commissioners to attend them in Prison.

Bankrupts conforming themselves, to be allowed 5 *l.* *per Cent.* out of the neat Produce of their Estate, in Case the Produce after such Allowance, be sufficient to pay the Creditors, who have proved their Debts, 10 *s.* in the Pound, but not to exceed 200 *l.* in the whole. And 7 *l.* *per Cent.* if sufficient to pay 12 *s.* 6 *d.* in the Pound, but the whole not to exceed 250 *l.* And if sufficient to pay 15 *s.* in the Pound, they shall be allowed 10 *l.* *per Cent.* so as the whole do not exceed 300 *l.* and be discharged from all Debts owing at the Time they became Bankrupt; and in Case of Arrests, shall be discharged on Common Bail, and may plead, that the Cause of Action accrewed before they became Bankrupt, and give this Act, and the special Matter in Evidence: And the Certificate of such Bankrupt conforming, and the Allowance thereof, according to this Act, shall be a sufficient Evidence of the Trading, Bankruptcy, &c. and a Verdict thereupon shall pass for the Defendant, unless the Plaintiff prove, that the Certificate was obtained by Fraud, or that the Bankrupt has made a Concealment, to the Value of 10 *l.* *Allowance to Bankrupts.*

Discharged on Common Bail.

Statutes relating to

And Costs.

If a Verdict pass for the Defendant, or the Plaintiff become Non-suit, or Judgment be given against him, the Defendant shall have full Costs.

If Bankrupts Effects amount not to 10 s. in the Pound, an Allowance shall be made to Bankrupts, at the Discretion of the Assignees and Commissioners, not exceeding 3 l. per Cent.

The future Estate and Effects of Bankrupts, still liable to Creditors, unless there be sufficient after all Charges to pay the Creditors under the Commission 15 s. in the Pound. The Tools of Trade, necessary Household Goods and Furniture, and necessary wearing Apparel of such Bankrupt, and his Wife and Children excepted.

Certificate.

No Discovery on Oath to entitle the Bankrupt to the Benefit of this Act, unless the major Part of the Commissioners certify to the Lord Chancellor, that such Bankrupt hath conformed himself, and that there doth not appear to them any Reason to doubt of the Truth of such Discovery, &c. And unless four Parts in five in Number and Value of the Creditors (who are Creditors for 20 l. or above, and have proved their Debts) shall sign such Certificate, and testify their Consent to such Allowance and Certificate, and to the Bankrupts Discharge; to be certified by the Commissioners (with an Affidavit in Writing of the Creditors signing) to the Lord Chancellor in order for Allowance. And unless such Bankrupt make Oath, that such Certificate and Consent were obtained without fraud, and unless such Certificate shall be allowed by the Lord Chancellor, &c. against which, any of the Creditors may be heard, if they think fit. No Commissioner shall sign such Certificate, till four Parts in five in Number and Value, shall have signed the same.

Bonds, Notes, Contracts, &c. given to induce Creditors to sign Certificates, void.

Exception.

No Bankrupt, intitled to the Benefit of this Act, who hath advanced any Child with 100 l. or above on Marriage; unless he had sufficient besides to pay all Debts; Or who hath lost in one Day five Pounds or 100 l. in twelve Months at Gaming or Stock-jobbing.

Bankrupt, imprisoned after Certificate allowed, to be discharged by a Judge of the Court.

Judges or Justices may grant Warrants to apprehend Bankrupts not conforming. And Gaolers to whose Custody such Bankrupt is committed, to give Notice to the Commissioners.

the Practice, &c.

Commissioners. Goods or Books may be seized in Prison. Bankrupts so apprehended to have the Benefit of this Act, on Conformity.

Bankrupt, or other Person, not answering the Interrogatories of Commissioners, to be imprisoned; the Interrogatories to be particularly specified in the Warrant. If *Habeas Corpus* be brought on such Commitment, the *Habeas Corpus* Judge may Recommit the Prisoner.

Gaoler suffering such Person to escape, to forfeit 500 *l.* to Creditors.

Gaoler refusing to produce his Prisoner to a Creditor, who has proved his Debt, to forfeit 100 *l.* to Creditors.

Persons making Discovery of Bankrupts Estate, to be allowed 5 *l.* *per Cent.*

Persons concealing Estate or Effects in Trust, forty two Days after Commission issued, to forfeit 100 *l.* and double the Value, to the Use of Creditors.

Persons having Bonds or Notes payable at a future Day, may join in petitioning for Commissions.

No Commission to be awarded, unless the Debt to one Creditor amount to 100 *l.* or 150 *l.* to two, or 200 *l.* to three or more Creditors, and Affidavit thereof be made, and a Bond of 200 *l.* given to prove the same, and the Bankruptcy.

Commissions fraudulently obtained to be superseded, *Commissions.* and another granted.

The Charge of Commissions to be paid by the Assignees.

Creditors may prove their Debts without paying Contribution.

The Commissioners shall, after they have declared the Person a Bankrupt, cause Notice thereof to be given in the Gazette, and appoint a meeting to choose Assignees.

Creditors living remote, may prove their Debts by Affidavit before a Master in Chancery extraordinary, &c. or before a Magistrate beyond Sea, and authorize any Person by Letter of Attorney, to vote for them in the Choice of Assignees.

The Commissioners to assign the Bankrupts Estate to such Persons, as the major Part (in Value) of the Creditors shall choose, who are to enter in a Book what Sums shall be received, &c. and Creditors may inspect the same,

Statutes relating to

Assignees.

No Person qualified to choose Assignees, whose Debt does not amount unto 10 *l.*

Mutual Credit.

Where mutual Credit hath been given one Debt may be set against another.

Persons falsely claiming Debts not due, liable to the Penalty for Perjury, and to forfeit double the Sum sworn due; to be divided amongst the Creditors.

Commissioners may immediately appoint Assignees, who are to deliver up Effects to new Ones (chose by Creditors) on Penalty of 20 *l.* and Notice of Removal to be given in the Gazette.

The major Part in Value of Creditors present, before choosing Assignees, may direct in whose Hands the Money arising out of Bankrupts Estate, shall remain till divided.

Assignees to give Notice within twelve Months of the Time of making Dividend, and may with Consent of Creditors, submit Disputes to Arbitration, and compound for Debts.

Bankrupts, after Allowance of Certificate, to attend Assignees in settling Accounts, and to be allowed 2 *s.* and 6 *d.* *per Diem* for Attendance, or imprisoned on Non-attendance.

Dividend.

Final Dividend to be made within eighteen Months; unless any Suit be depending, &c. or future Estate, vest in Assignees.

Suits in Equity.

No Suit in Equity to be commenced without Consent of major Part in Value of Creditors.

Bankers, Brokers and Factors, liable to Statutes; but no Farmer, Drover, or Receiver-General of Taxes liable.

Proceedings on Commissions to be entred on Record, by Direction of the Lord Chancellor, and all Persons at Liberty to search.

No Allowance to be made Commissioners, or others, for Eating and Drinking, nor each Commissioner to receive more than 20 *s.* each Meering on Penalty of Disability.

Commissioners to take an Oath, *Faithfully to execute the Trust reposed in them*, and a Memorial thereof to be registred.

Commissions not to abate by the Death of his Majesty.

the Practice, &c.

Bills of Fees to be settled by a Master in Chancery. *Fees.*

Certificates of Bankrupts before 14 May 1729, on Conformity, confirmed, and Proceedings against them, discharged.

This Act to continue in Force three Years, from 24th June 1732, and to the End of the next Sessions. *Continuance.*
nued by 9 Geo. 2. cap. 8.

THE Broad Pieces of 23 and 25 Shillings, called in 6 Geo. 2. by Proclamation, and their Currency in Payments de- *Tender.*
terminated the 1st of February, 1732.

PERSONS who have omitted to qualify themselves *Stat. 6 Geo. 2.*
on account of their Places, or Professions, by taking *cap. 4.*
the Oaths, or subscribing the Declaration against Tran-
substantiation, and Receiving the Sacrament: And Mem-
bers of Corporations who have neglected to take the Oath *Oaths.*
of Office, or who have not taken it in the Manner pre-
scribed by their Charter; are by this Act indemnified,
on qualifying themselves on or before the 29th of Sep-
tember 1733. See *Stat. 1 Geo. 1. cap. 13. — 13 Car. 2.*
cap. 1. sess. 2. 25 Car. 2. cap. 2. and 9 Geo. 2. cap. 26.

DEEDS and Wills (relating to Lands, &c.) made *Stat. 6 Geo. 2.*
by Papists, and not duly Inrolled, shall be good, *cap. 5.*
if Inrolled, on or before the 29th of September, 1733
except Advantage thereof was taken before the 1st of *Inrollments.*
February 1732.

No Purchase made by any Protestant, for valuable *Papist.*
Consideration, shall be avoided for want of Inrolment.
See *Stat. 1 Geo. 1. cap. 55. and 9 Geo. 2. cap. 26.*

THE Statute of the 4th of George the 2d. *cap. 26. Stat. 6 Geo. 2.*
Directing Proceedings in Law to be in English, shall *cap. 6.*
not extend to, or affect the Court of the Receipt of his
Majesty's Exchequer, but the Business of the said Court *Exchequer.*
of Receipt shall be carried on according to the ancient
Method.

THE Statute of the 5th of King George the 2d. *cap. 27. Stat. 6 Geo. 2.*
so far as the same relates to Defendants ap- *cap. 14.*
pearing in eight Days after the Return of the Process, *Appearance in*
shall not extend to the Courts of the Great Sessions of *the Courts of*
Wales, or County Palatine of Chester; but, that in all *Wales and*
Personal Actions under 10 l. in those Courts; where the *Chester.*
Defendant

Statutes relating to

Defendant is served with a Copy of the Process, by a *Literate* Person, eight Days before the Commencement of the Great Sessions, &c. and the Defendant does not appear at the third Court, the Plaintiff on Affidavit of Service, may enter an Appearance for him.

No more than 5 s. shall be taken for Copy and Service of Process.

English Law
in Wales.

The Act of the 4th of King George the 2d. cap. 26. That Proceedings in Courts of Justice in England, be in English, shall extend to *Wales*, and the Penalties for Offences committed there, against that Act may be recovered, in the Court of Great Sessions, or the Courts at *Westminster*.

Proceedings in
Courts of Ju-
stice, may be
written in a
common Hand,
and Figures
used as former-
ly, and such
Abbreviations
as are common-
ly used in
English.

And for further explaining the said Statute of the 4th of K. George 2d. cap. 26. It is enacted, that all Writs, Process, and Returns thereof, and Proceedings thereon, and all Pleadings, Rules, Orders, Indictments, Informations, Inquisitions, Presentments, Verdicts, Prohibitions, Certificates, Patents, Charters, Pardons, Commissions, Records, Judgments, Statutes, Recognizances, Bonds, Rolls, Entries, Fines and Recoveries, and all Proceedings relating thereunto, and all Proceedings of Courts-Leet, Courts-Baron, and Customary-Courts, and all Copies thereof, and all Proceedings whatsoever in any Court of Justice within *England, Wales*, and the Town of *Berwick upon Tweed*, and in the Court of Exchequer in *Scotland*, and which concern the Law and Administration of Justice, may from, and after the 25th of *March 1733*, be written or printed in a common legible Hand and Character, and with the like Way of Writing or Printing, and with the like Manner of expressing Numbers by Figures, as have been heretofore, or are now commonly used in the said Courts respectively, and with such Abbreviations, as are now commonly used in the *English* Language.

No Penalty
for using the
proper Names
of Writs, or
Technical
Words.

No Penalty shall be incurred by Virtue of the said Act, for any other Offence than for Writing or Printing any of the Proceedings, or other the Matters and Things, above-mentioned, in any Hand commonly called Court-Hand, or in any Language, except the *English* Language; Nor shall any such Penalty be extended to, the proper or known Names of Writs, or other Process, or technical Words in the same Language, as hath been commonly used, so as the same be written or printed in a common legible

the Practice, &c.

legible Hand and Character, and not in any Hand commonly called Court-Hand:

That all Prosecutions for Offences against the said Act *Actions.* be commenced within three Months after the same shall be committed.

The Officers in the several Offices of the King's, and *Exchequer.* Lord Treasurer's Remembrancer, and in the Offices of the Clerk of the *Pipe*, and the Clerk of *Escheats* in the Court of *Exchequer*, may write and send out Process for his Majesty's Service, Rolls, or Schedules of such Debts as have been forfeited and became due, before the 25th of *March 1733*, in the same manner they use to do; provided the Writ or Process to be annexed to the said Rolls or Schedules be in the *English* Tongue, and a common legible Hand, notwithstanding the said Act (*viz. the 4th Geo. 2d. cap. 26.*) or any other Law.

AFTER the 24th of *June 1733*, no County Court *Stat. 6 Geo. 2.* in *England* shall be adjourned to a *Monday, Friday*, *cap. 23.* or *Saturday*, for electing Knights of the Shire, &c. But County Courts begun, holden on, or adjourned to a *County Courts.* Day not prohibited by this Act, may be held from Day to Day, until such Election or *other Matters* be finished and determined. See *Stat. 7 and 8 Wm. 3d. cap. 25.*

PERSONS who have served five Years as Clerks, *Stat. 6 Geo. 2.* but have not been bound by Contract in Writing, *cap. 27.* and who were by Sicknefs prevented from being sworn, admitted and inrolled, pursuant to the *Act 2d Geo. 2. cap. 23.* And Persons who have served as Clerks to such *Attorneys.* Attorneys for five Years, and have been bound by Contracts in Writing, but have not served five Years since the Dates of such Contracts, or being Sons of such Attorneys, and have served as Clerks to their Fathers for five Years without Contract in Writing, may be admitted, sworn and inrolled on, or before the last Day of *Michaelmas Term.*

Persons admitted Attorneys by Virtue of the *Stat. 2d Geo. 2. cap. 23.* may be admitted to Practice, as Attorneys in any inferior Court, provided they are in *In Inferior Courts.* other Respects capable and duly qualified, any Thing in the said Act to the contrary notwithstanding.

Statutes relating to

Stat, 6 Geo. 2. **T**HE *Acts* of the 3^d of Geo. the 2^d, cap. 25. and 4 Geo. 2. cap. 7. For the better Regulation of *Juries*, are by this Statute made perpetual.

Juries.

The Justices of the Session or Assizes, for the Counties *Palatine of Chester, Lancashire, and Durham*, may appoint special *Juries*, in such Manner as the Courts at *Westminster*, on Trials at Bar, have ordered special *Juries* to be usually struck. See 3 Geo. 2. cap. 25.

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THE Act for punishing Mutiny and Desertion, shall Stat. 9 Geo. 2. not exempt Officers and Soldiers from the ordinary cap. 2. Process of Law. But no Person acquitted or convicted of Offences by the Civil Magistrate, shall be punished for the same by a Court Marshal, otherwise than by cashiering.

This Act to continue in Force from the 24th March 1735, to the 25th March 1737.

No Person listed as a Volunteer during the Continu- *Process against*
ance of this Act, liable to be taken by any Process (ex- *Soldiers.*
cept for a criminal Matter) unless Affidavit be made, that the Sum justly due, and owing to the Plaintiff, or the Debt or Damages and Costs amount to 10*l.* and a Memorandum thereof, be marked on the Back of the Process.

If a Volunteer be arrested contrary to the Intent of *Arrested.*
this Act, any Judge of the Court may discharge him, *Discharged*
and award Costs, for which he shall have the like Re- *with Costs.*
medy, the Plaintiff might have had for his Costs.

Plaintiff on Notice given in Writing of the Cause of *Notice of*
Action to such Volunteer, or left at his last Place of Re- *Action.*
sidence before Listing, may file a common Appearance, and proceed to Judgment and Outlawry, and have Execution thereon, other than against the Body of such Person so listed.

After the 25th March 1736, every Person inlisted, shall within four Days be carried before the next Justice of the Peace, and may declare this Dissent to such Inlisting; and shall be discharged, on returning the inlisting Money, and paying 20*s.* for the Charge expended on him.

THE Act of the 2d of K. Geo. the II^d. cap. 25. For Stat. 9 Geo. 2. preventing Forgery, Perjury, and Subornation of cap. 8. Perjury, and to make it Felony to steal Bonds, Notes, *Forgery,* or other Securities for Payment of Money, is by this *Perjury.* Statute revived and made perpetual.

The Act of the 5th of K. Geo. the II^d. cap. 30. For preventing Frauds committed by Bankrupts, continued *Bankrupts.* to the 29 Sept. 1743, and from thence to the End of the next Sessions.

PERSONS who have neglected to qualify themselves Stat. 9 Geo. 2. on Account of their Places or *Professions,* indemnified cap. 26. *on taking the Oaths,* and qualifying themselves, *Oaths.*

Statutes relating to

on or before the 1st of *August* 1736. and their Acts valid.

To be taken in six Months. After the 1st of *August* 1736, all Persons admitted into Preferments or Places, shall take the Oaths, and qualify themselves within six Months after Admission, or taking upon them *their Practice*, Employment or Business. On Neglect, to incur the Penalties inflicted by former Acts. See 25 *Car. 2 c. 2.* 1 *Geo. 1. c. 13.* 2 *Geo. 2. cap. 31.*

Inrolment. Papist. Deeds and Wills made since the 29 *Sept.* 1717. For Conveyance of the Lands of *Papists*, and not duly inrolled, shall be good, if inrolled on or before the 29 *Sept.* 1736, except Advantage thereof was taken before the 2d *Feb.* 1735.

No Purchase made by any *Protestant*, for a valuable Consideration, shall be avoided for want of Inrolment. See *Stat. 1 Geo. 1. cap. 55.* 3 *Geo. 1. cap. 18.* 10 *Geo. 1. cap. 4.* 3 *Geo. 2. cap. 28.* 6 *Geo. 2. cap. 5.*

Stat. 9 Geo. 2. cap. 35.

Smuglers indemnified pleading this Act.

PERSONS who have been guilty of Offences against the Laws made for securing the Customs and Excise, before the 27th *April* 1736, indemnified; and such Persons may plead this Act for their Discharge, paying only 1 s. 4 d. for entering their Plea; and stopping all Proceedings brought by them against any Officer of the Customs or Excise.

Persons claiming the Benefit of this Act, being afterward guilty of the like Offences, liable to be prosecuted for both former and new Offence; and if now liable to be transported, then to suffer Death.

Exceptions.

Excepted out of this Act, all Seizures, Money due for Customs, and all Actions now depending. But the Treasury may compound in relation to Debentures, &c.

After the 24th *June* 1736, Tea, Brandy, &c. offered to Sale by any Hawker, &c. with or without a Permit, may be stopped on Suspicion.

Informer.

Any Person stopping such Goods, may prosecute in his own Name, and on Recovery, be entitled to a third Part of the Produce at Sale.

Onus probandi.

The Proof of Entry, and Payment of Duties, to lie on the Persons found with the Goods. See 12 *Geo. 1. cap. 28.*

Venue.

Actions of Assault upon Officers may be tried in any County in *England*.

the Practice, &c.

Alehouse-Keeper, &c. knowingly, harbouring any Person absconding, against whom a *Capias* or other Process hath issued, for Offences against the Laws for securing the Customs and Excise; after six Days Notice thereof in the Gazette, and Writing fixed on the Church Door, where such Person dwelt before his absconding; shall forfeit 100 *l.* *Persons absconding.*

Sheriffs, Mayors, Bailiffs, and other Persons having Execution of Process, on Request in Writing of a known Solicitor of the Customs or Excise, to grant special Warrants for apprehending such Offenders. *Special Warrants.*

Sheriffs, &c. granting such special Warrants, saved harmless from all Escapes, till the Offender be committed to the proper Gaol.

In Trials of Seizures, Judges to proceed to the Merits of the Cause, without enquiring into the Fact or Form of making the Seizure. *Trials.*

The Court of *King's-Bench*, or any of the Judges thereof, not restrained from Bailing Persons committed for Felony, by Virtue of this Act. *Bail.*

AFTER the 24th June 1736. No Lands, Tenements, &c. Money, Goods, or other Personal Estate, shall be given to any Person or Persons, Bodies Politick or Corporate, &c. in Trust, or for the Benefit of any Charitable Uses whatsoever, unless by Deed indented and executed in the Presence of two Witnesses, twelve Months at least, before the Death of the Donor, and inrolled in *Chancery*, within six Months after the Execution thereof: And in Case of Stocks, unless they be transferred six Months before the Death of the Donor, and unless the same take Effect in Possession for the Charitable Use, immediately from the making thereof, and be, without any Power of Revocation, &c. or for any Benefit of the Donor or Persons claiming under him. *Stat. 9 Geo. 2. cap. 36. Mortmain. Charitable Uses.*

Gifts made otherwise, than directed by this Act, to be absolutely void, but not to extend to Gifts made to the two Universities, or the Colleges of *Eton*, *Winchester*, or *Westminster*.

No College to hold more Advowsons, than shall be equal to one Moiety of their Fellows, or if none, to one Moiety of their Students on the Foundation.

Statutes relating to

Stat. 9 Geo. 2. NO PERSON liable to any Penalty, inflicted
cap. 38. by the Act of the 2d K. Geo. 2. *cap. 24.* For preventing
Bribery. Bribery at Elections, unless personally served with the
Limitation. Process, within two Years after the Offence committed.

A TABLE to the Statutes relating to the Practice.

Abatement.

Statute 4 and 5 Anne, cap. 16.

Abbreviations.

— not to be used in Law Proceedings, 4 Geo. 2. c. 26.—
or Bills of Fees, 2 Geo. 2. c. 25.—
Exceptions, 6 Geo. 2. c. 14.

Ability.

Stat. 7 Ann. c. 5. — 4 Geo. 2. c. 21.

Accountant General in Chancery.

Stat. 12 Geo. 1. c. 32.

Actions.

— of Account, 4 and 5 Ann. c. 16.—of Trespass, 6 Ann. c. 18.
of Debt for Rent, 8 Ann. c. 17.
—of Ejectment for Non-payment, 4 Geo. 2. c. 28.—on Stat. for preventing Gaming, 9 Ann. c. 14.—
Stock-jobbing, 7 Geo. 2. c. 8.—
destroying the Game, 8 Geo. 1. c. 19.— for Attorneys Fees, 2 Geo. 2. c. 23.—how brought against the Hundred on the Stat. of Robbery, 8 Geo. 2. c. 16.— how on pulling down Locks and Turnpikes, 8 Geo. 2. c. 20.

Actions for Assaulting Officers of the Customs or Excise, may be tried in any County, 9 Geo. 2. c. 35.

Actions under 5 *l.* not to be removed, 12 Geo. 1. c. 19.
And see *Limitation.*

Administration.

See *Bona Notabilia.*

Affirmation.

See *Quakers.*

Alien.

See *Naturalization.*

Ambassadors.

Stat. 7 Ann. c. 12.

Amendment of the Law and Process.

Stat. 4 and 5 Ann. c. 16. —
4 Geo. 2. c. 26.—of Writs of Error, 5 Geo. 2. c. 13.
And see *Jeofails.*

Appearance.

Where it may be entered by the Plaintiff for the Defendant, 12 Geo. 1. c. 29.—5 Geo. 2. c. 27.—how in Wales and Counties Palatine, 6 Geo. 2. c. 14.—the Form of Notices to appear, 5 Geo. 2. c. 27.— Defendants in Equity how compelled to appear, 5 Geo. 2. c. 25.

Arrest.

Ambassadors and their Servants not to be arrested, 7 Ann. c. 12.— Felony to obstruct Process in the Mint, 9 Geo. 1. c. 28.—or Wapping, 11 Geo. 1. c. 22.

None to be arrested, unless the Debt be 10 *l.* in superior, or 40 *s.* in inferior Courts, and Affidavit made, 12 Geo. 1. c. 29.—nor carried to Prison within 24 Hours after, 2 Geo. 2. c. 22.— Persons excepted, 5 Geo. 2. c. 27.— and Smugglers, 8 Geo. 2. c. 24.

Attorneys

A T A B L E 10

Attorneys and Solicitors.

— punishable for suing Ambassadors, 7 Ann. c. 12.— to take the Oaths of Allegiance, &c. 1 Geo. 1. c. 13.— 9 Geo. 2. c. 26.— to be sworn, admitted and inrolled, 2 Geo. 2. c. 23.— how they must proceed to recover their Fees, *ibid.*— can have but two Clerks, *ibid.*— who are to serve five Years, *ibid.*— Exceptions, 6 Geo. 2. c. 7.— The Attorney's Name to be marked on Process, 2 Geo. 2. c. 23.— not to act as Justices, 5 Geo. 2. c. 18.— who may be admitted in inferior Courts, 6 Geo. 2. c. 27.— Persons convicted of Forgery, Perjury, or common Barratry, and acting as Attorneys to be transported, 12 Geo. 1. c. 29.

Attornment.

Stat. 4 and 5 Ann. c. 16.

Bail.

Smuglers taken on a *Capias*, 8 Geo. 1. c. 18, and Tenants holding over obliged to give special Bail, 4 Geo. 2. c. 28.— not required unless the Debt be 10*l.* in superior, or 40*s.* in inferior Courts, and Oath made, 12 Geo. 1. c. 29.

The Judges of the Court of King's Bench may bail Smuglers committed for Felony, 9 Geo. 2. c. 35.

Bail-Bond.

— how assigned by Sheriffs 4 and 5 Ann. c. 16.— to be given for no more than the Sum mark'd on the Writ, 12 Geo. 1. c. 29.

Bailiffs.

Stat. 2 Geo. 2. c. 22.
See *Arrests.*

Bankrupts.

— not to be protected by Ambassadors, 7 Ann. c. 12.— Method of proceeding against and discharging them, 5 Geo. 2. c. 30.— 9 Geo. 2. c. 8.

Bargain and Sale.

Copies of Inrolment thereof, of the same Force as the Indenture, 10 Ann. c. 18.

See *Papist and Register.*

Barratry.

See *Attorneys.*

Bills of Exchange.

Stat. 7 Ann. c. 25.

Bills of Fees.

— to be deliver'd a Month before Attachment brought, and in *English*, 2 Geo. 2. c. 23.

Bona Notabilia.

Stat. 5 Ann. c. 16.

Bribery.

See *Limitation.*

Certiorari.

— how allowed to remove Orders of Justices, 5 Geo. 2. c. 19.

Chancery.

Stat. 6 Ann. c. 18.— 12 Geo. 1. c. 32.
See *Equity.*

Charitable Uses.

What Gifts, &c. are prohibited, 9 Geo. 2. c. 36.

Chester.

How to appear and proceed in the County

the STATUTES.

County Palatine, in Actions under
10 l. 6 Geo. 2. c. 14.
See *Counties Palatine*.

Clerks.

The Duty on Money given
with them, how paid by the Ma-
ster, 8 Ann. c. 9.

To serve five Years, 2 Geo. 2.
c. 23.

Clerk of Assize.

— to be fined for falsly re-
cording Appearance of Jurors,
3 Geo. 2. c. 25.

Coin.

— the Value reduced by Pro-
clamation, 4 Geo. 1.—6 Geo. 2.

Copyholder.

Stat. 9 Geo. 1. c. 29.

Costs.

— for Insufficiency of the
the Plea, 4 and 5 Ann. c. 16. —
on Dismission of a Bill in Equity,
ibid.— on quashing Writs of Er-
ror, *ibid.*

— how recoverable by Sol-
diers arrested for Debts under 10 l.
9 Geo. 2. c. 2.

Counties Palatine.

Judgments, how signed there,
8 Geo. 1. c. 25. — The Justices
there may appoint Special Juries,
6 Geo. 2. c. 37.

County Court.

On what Days to be holden, or
adjourned to, 6 Geo. 2. c. 23.

Court Hand.

— not to be used in Law Pro-
ceedings, 4 Geo. 2. c. 26. — 6
Geo. 2. c. 14.

Customs and Excise.

See *Smuglers*.

Death.

How Persons in Remainder are
to proceed where its concealed,
6 Ann. c. 18.

Debts.

See *Actions*.

Debtors.

See *Insolvent Debtors and Prisoners*.

Debt.

— how set against each other
where mutual Credit hath been
given, 2 Geo. 2. c. 22.—8 Geo. 2.
c. 24. — how in Cases of Bank-
ruptcy, 2 Geo. 2. c. 30. Debts in
the Plantations, how recoverable,
5 Geo. 2. c. 7.

Demurrer.

Stat. 4 and 5 Ann. c. 16.

Distress.

— for Rent, 8 Ann. c. 17.
— 4 Geo. 2. c. 28.

Distringas.

The Courts at *Westminster* may
order special Writs of Distringas,
4 and 5 Ann. c. 16. — the Names
in the Panel need not be incerted,
3 Geo. 2. c. 25.

Durham.

See *Counties Palatine*.

Ejectment.

— for Non-payment of Rent,
4 Geo. 2. c. 28.

English.

Proceedings in Law, to be in *Eng-
lish*,

A T A B L E to

list, and not abbreviated, 4 Geo. 2. c. 26. — 5 Geo. 2. c. 27. — and Bills of Fees, 2 Geo. 2. c. 23. Exceptions, *ibid.* and 6 Geo. 2. c. 6. and 14.

Entry.

What shall be a sufficient Claim or Entry, 4 and 5 Ann. c. 16.

Equity.

Plaintiff in Equiry dismissing his own Bill to pay Costs, 4 and 5 Ann. c. 16.

Subpoena not to issue till a Bill filed, *ibid.*

Mortgages how foreclosed, and Mortgagors relieved, 7 Geo. 2. c. 20.

Trustees or Mortgagees, how enabled being Infants, 7 Ann. c. 19. and Lunatics or Ideots to convey, 4 Geo. 2. c. 10.

Method of proceeding against Defendants in Equity, who refuse to enter their Appearance, 5 Geo. 2. c. 25. or cannot be serv'd with a Copy of the Decree, *ibid.*

Lessees how relieved against Landlords, 4 Geo. 2. c. 21. — and how Freighters or Owners of Ships, on Imbezlements by Mariners, 7 Geo. 2. c. 15.

Stockjobbers to answer Bills of Discovery on Oath, 7 Geo. 2. c. 8.

Error.

— how amendable, 5 Geo. 1. c. 13.

Escape.

Prisoners going at large may be taken on Sundays, 5 Ann. c. 9.

Evidence.

Where one Debt may be given in Evidence against another, 2 Geo. 2. c. 22. — 8 Geo. 2. c. 24.

Exchequer.

Stat. 6 Geo. 2. c. 6. and c. 14.

Executioner.

— against Body and Goods of Smuglers, 12 Geo. 1. c. 28.

A Years Rent to be paid before Goods taken in Execution be removed, 8 Ann. c. 17.

Executors.

Where Actions of Account may be brought against them, 4 and 5 Ann. c. 16.

Fees.

See *Actions* and *Bill of Fees*.

Felony.

— to obstruct Execution of Process in the Mint, 9 Geo. 1. c. 28. — or Wapping, 11 Geo. 1. c. 22. — to steal Notes, &c. 2 Geo. 2. c. 25. — 9 Geo. 2. c. 8. — or alter the principal Sum, 7 Geo. 2. c. 21.

See *Forgery* and *Turnpikes*.

Fine.

Where not avoided by Claim or Entry, 4 and 5 Ann. c. 16.

Forgery.

— of Deeds, Wills, Bonds, Notes, &c. Felony, 2 Geo. 2. c. 25. — 9 Geo. 2. c. 8.

Forma pauperis.

Prosecutions for running of Goods may be so defended, 2 Geo. 2. c. 28.

Franchises and Jurisdictions.

The proper Officer to execute Process there, 5 Geo. 2. c. 27.

Fraudulent

the STATUTES.

Fraudulent Conveyances.

To multiply Votes to be taken absolute, 10 Ann. c. 23.

Game.

See *Actions.*

Gaming.

See *Actions.*

Guardians.

—— holding over adjudged Trespassers, 6 Ann. c. 18.

Habeas corpora Jur.

The Names in the Panel need not be inserted in the Body of this Writ, 3 Geo. 2. c. 25.

Habeas Corpus.

See *Inferior Courts.*

Hue and Cry.

Stat. 8 Geo. 2. c. 16.

Ideots and Lunatics.

Enabled to convey Trust Estates and Mortgages, 4 Geo. 2. c. 10.

Jeofails.

Those Statutes, extended to Judgments by Confession, &c. 4 and 5 Ann. c. 16. — to Writs of *Mandamus*, 9 Ann. c. 20. — to Proceedings in *English*, 4 Geo. 2. c. 26. Writs of Error how amendable, 5 Geo. 1. c. 13.

Imbezilements.

How far Owners of Ships are liable to suffer thereby, 7 Geo. 2. c. 15.

Infant.

How compellable to convey Trust Estates and Mortgages, 7 Ann. c. 19. — and to pay his

Fine on Admittance to a Copyhold, 9 Geo. 1. c. 29.

Inferior Courts.

What Suits may not be removed thence, 12 Geo. 2. c. 29. — who may be admitted Attorneys, 6 Geo. 2. c. 27.

Informations.

—— in Nature of a *Quo Warranto* how grantable, 9 Ann. c. 20.

Involment of Deeds.

—— of Papists, 1 Geo. 1. c. 55. — 3 Geo. 1. c. 18. — 10 Geo. 1. c. 4. — 6 Geo. 2. c. 5. — 8 Geo. 2. c. 25. — 9 Geo. 2. c. 26.

—— of Bargain and Sale, how Copies thereof of the same Force as the Indenture, 10 Ann. c. 18. — in the West-Riding of Yorkshire, 5 Ann. c. 18.

Insolvent Debtors.

—— how discharged owing under 100 *l.* in 1724. Stat. 11 Geo. 1. c. 21. — under 500 *l.* in 1728. Stat. 2 Geo. 2. c. 20.

Method of discharging Prisoners in Execution for a Debt under 100 *l.* 2 Geo. 2. c. 22. — how at Assizes, 3 Geo. 2. c. 27. — in what Time to petition, 8 Geo. 2. c. 24.

Interest of Money.

—— reduced to 5 *l.* per Cent. 12 Ann. c. 16.

Judgments.

How signed in *Wales* and Counties Palatine, 8 Geo. 2. c. 25.

A TABLE 10

Judicial Proceedings.
See *English and Process.*

Jurors.

Stat. 4 and 5 Ann. c. 16. — who are qualified, how returned and regulated, 3 Geo. 2. c. 25. — 4 Geo. 2. c. 7. — 6 Geo. 2. c. 37. — how often to serve in *Middlesex*, or in other Counties, 4 Geo. 2. c. 7.

Justices.

Stat. 5 Geo. 2. c. 18. and 19. — 7 Geo. 2. c. 10.

Lancaster.

See *Counties Palatine.*

Landlord and Tenant.

Stat. 4 and 5 Ann. c. 16. — 9 Ann. c. 14. Tenant holding over to pay double the Value, 4 Geo. 2. c. 28.

See *Rent.*

Leases.

— renewable without surrender of under Leases, 4 Geo. 2. c. 28.

Limitation of Actions.

— for Seamen's Wages, Trespas, Account, Case, &c. Stat. 4 and 5 Ann. c. 16. — on Stat. for preserving the Game, 8 Geo. 1. c. 19. — for preventing Gaming, 9 Ann. c. 14. — for not using the *English* Language in Law Proceedings, 6 Geo. 2. c. 14. — on the Stat. for preventing Robbery, 8 Geo. 2. c. 16. — for preserving Locks and Turnpikes, 8 Geo. 2. c. 20. — on Stat. for preventing Bribery at Elections, 9 Geo. 2. c. 38.

London.

Who are qualified to be Jurors there, 3 Geo. 2. c. 25.

Lunatick,

See *Ideot.*

Mandamus.

How to proceed thereon, 9 Ann. c. 20.

Merchandise.

See *Imbezements.*

Middlesex.

A Register of Deeds and Wills affecting Lands there, 7 Ann. c. 20. In what Time after Term Issues in *Middlesex* are to be tried at *Nisi prius*, 12 Geo. 1. c. 31. who are qualified to be Jurors there, and how often returned, 4 Geo. 2. c. 7.

Mint.

See *Privileged Places.*

Money brought into Court.

— pending an Action on Bond, 4 and 5 Ann. c. 16. — by Lessee in 40 Days after Answer filed by the Lessor, 4 Geo. 2. c. 28.

Mortgagees.

— how enabled to convey being Infants, 7 Ann. c. 19. — or Ideots or Lunaticks, 4 Geo. 2. c. 10.

Mortgagor.

— how relieved and Mortgages foreclosed, 7 Geo. 2. c. 20.

Mortmain.

What Gifts, &c. are prohibited, 9 Geo. 2. c. 36.

Mutual Debts.

How set against each other, 2 Geo.

the STATUTES.

2 Geo. 2. c. 22. — 8 Geo. 2.
c. 24. — 4 Geo. 2. c. 21.

Naturalization.

Who shall be deemed natural
born Subjects, 7 Ann. c. 5, — 4
Geo. 2. c. 21.

Nisi prius,

See *Middlesex.*

Nonjurors.

See *Papists.*

Notices to appear,

Stat. 5 Geo. 2. c. 27.

Oaths,

— of Allegiance, &c. to be
taken by Councillors, Attorneys,
Solicitors, &c. 1 Geo. 1. sess. 2.
c. 13.

How indemnified on Neglect,
2 Geo. 2. c. 31. — 6 Geo. 2. c. 4.
— 7 Geo. 2. c. 10. — 8 Geo. 2.
c. 17. — to be taken in six Months,
9 Geo. 2. c. 26.

Onus probandi.

The Proof of Entry and Pay-
ment of Duty to lie on Persons
with whom the Goods are found,
12 Geo. 1. c. 28. — 9 Geo. 2. c. 35.

Papists,

— to register their Estates,
1 Geo. 1. sess. 2. c. 55. — 3 Geo. 1.
c. 18. — 9 Geo. 1. c. 24. — their
Deeds and Wills of Lands to be
inrolled, *ibid.* and 6 Geo. 2. c. 5.
— Provisoers in Favour of Pur-
chasers under Papists, 6 Geo. 2.
c. 5. — 8 Geo. 2. c. 25. — 9 Geo. 2.
c. 26.

Pardon.

Stat. 7 Geo. 1. c. 29.

Pauper,

See *Forma pauperis.*

Perjury.

— how punishable, 12 Geo. 1.
c. 29. — 2 Geo. 2. c. 25. — 9 Geo. 2.
c. 8.

Plantations.

Debts there, how recoverable,
5 Geo. 2. c. 7.

Pleas and Pleadings.

No dilatory Plea without Affi-
davit, 4 and 5 Ann. c. 16.

Where Payment may be plead-
ed in Bar, *ibid.* — or mutual Debts,
2 Geo. 2. c. 22. — 8 Geo. 2. c. 24.
— or several Matters, 4 and 5
Ann. c. 16.

Prisoners.

When a Person arrested may be
carried to Prison, 2 Geo. 2. c. 22.

— How discharged when in
Execution for a Debt not exceed-
ing 100 *l.* — 2 Geo. 2. c. 22. —
3 Geo. 2. c. 27. — 8 Geo. 2. c. 24.
See *Escape* and *Insolvent Debtors.*

Privileged Places.

The pretended Privilege of the
Mint or *Suffolk Place*, 9 Geo. 1.
c. 28. and of *Wapping-Stepney*
taken away, 11 Geo. 1. c. 22.

Process.

The Attorney's Name to be sub-
scribed thereon, 12 Geo. 1. c. 29.
— to be in *English*, 4 Geo. 2. c. 26.
— 5 Geo. 2. c. 27. — 6 Geo. 2.
c. 14.

Promissory Notes.

Stat. 7 Ann. c. 25.

Quakers.

— their Affirmation to be
accepted

A TABLE 10

accepted instead of an Oath, 1 Geo. 1. c. 6. — 8 Geo. 2. c. 24. — the Form thereof, 8 Geo. 1. c. 6.

Quo Warranto.

Stat. 9 Ann. c. 20.

Recognizance.

See *Statutes.*

Register of Deeds, Wills, &c.

— affecting Lands in *Yorkshire*, 6 Ann. c. 36. — 8 Geo. 2. c. 6.

— in *Middlesex*, 7 Ann. c. 20.

— Lands of *Papists*, 1 Geo. 1. c. 55. — 3 Geo. 1. c. 18. — 10 Geo. 1. c. 4.

Rent.

— may be safely paid by Tenant to the Grantor before Notice of the Grant, 4 and 5 Ann. c. 16.

— how recoverable by Lessor after Determination of Lease *per autre vie*, or for Years, 8 Ann. c. 14.

— how in Ejectment when half a Year Rent is due, 4 Geo. 2. c. 28. Goods taken in Execution not to be removed without paying a Years Rent, 8 Ann. c. 14.

Rentsack, and Rent of Affize.

— how recoverable, 4 Geo. 2. c. 28.

Robbery.

See *Actions and Limitation.*

Service of Process.

Stat. 12 Geo. 1. c. 29. — 5 Geo. 2. c. 27. — in *Wales and Chester*, 6 Geo. 2. c. 14.

z

Sessions.

— to rectify Defects in the original Order, 5 Geo. 2. c. 19.

Sheriffs.

What Poundage they may take, 3 Geo. 1. c. 15 and 16. — Penalty on granting Warrants before they have the Writ, 6 Geo. 1. c. 21.

how to return Jurors, 3 Geo. 2. c. 25. — 6 Geo. 2. c. 23 and 27.

To grant special Warrants for taking Smuglers, 9 Geo. 2. c. 35.

Sittings in Middlesex.

12 Geo. 1. c. 31.

Smuglers.

— in what Time to appear and plead, 12 Geo. 1. c. 28. — were obliged to give special Bail, 8 Geo. 1. c. 18. — may defend in *forma pauperis*, 2 Geo. 2. c. 28. — how indemnified for former Offences, unless afterwards guilty of the like, 9 Geo. 2. c. 35.

Penalty on harbouring them, *ibid.*

Proof of Entry and Payment of Duties to lie on them, *ibid.*

Special Warrants to be granted for apprehending them, *ibid.*

In Trials of Seizures Judges to proceed to the Merits of the Cause, *ibid.*

Soldiers.

How to be sued for Debts of 10*l.* or under, 9 Geo. 2. c. 2. and how listed, *ibid.*

Solicitors.

See *Attorneys.*

Special Bail.

See *Bail.*

Special

the STATUTES.

Special Juries.

Stat. 3 Geo. 2. c. 25.

Special Writts.

See *Distringas* and *Writts*.

Statutes and Recognizances.

Stat. 3 Geo. 1. c. 25.

Stock-jobbing.

Penalties thereon, 7 Geo. 2. c. 8.

Subpoenas.

Where not to issue till a Bill is filed, 4 and 5 Ann. c. 16.

Suffolk Place.

See *Privileged Places*.

Sunday.

See *Escape*.

Tenant.

See *Distress*, *Landlord* and *Rent*.

Tender.

See *Coin*.

Trespass.

See *Actions*.

Trustees.

Remedy on their holding over, 6 Ann. c. 18. — how enabled to convey, being Infants, 7 Ann. c. 19. — or Idiots or Lunaticks, 4 Geo. 2. c. 10.

Trials.

See *Middlesex*.

Turnpikes, Locks and Sluices.

Destroying them when erected by Act of Parliament, Felony, and the Hundred liable, 8 Geo. 2. c. 20. — and Offenders may be tried in any adjacent County, *ibid*.

Venire facias.

Stat. 4 and 5 Ann. c. 16. — 3 Geo. 2. c. 25.

Venue.

Where it shall not be changed, 8 Geo. 2. c. 20. — 9 Geo. 2. c. 35.

View by Juries.

Stat. 4 and 5 Ann. c. 16. 3 Geo. 2. c. 25.

Uses and Trusts.

Declarations thereof, may be made after Fines, 4 and 5 Ann. c. 16.

Usury.

Stat. 12 Ann. sess. 2. c. 16.

Wales.

Judgments, how signed there, 8 Geo. 1. c. 25. — Proceedings there, on Actions under 10 l. 6 Geo. 2. c. 14.

Wapping.

See *Privileged Places*.

Warranties.

Where void, 4 and 5 Ann. c. 16.

Warrants of Attorney.

When to be filed, 4 and 5 Ann. c. 16.

Warrants to arrest.

To be dated as the Writ, and not issued before, 6 Geo. 1. c. 21.

The Attorney's Name to be subscribed thereon, 2 Geo. 2. c. 23.

Special Warrants to be granted for taking Smuglers, &c. 9 Geo. 2. c. 35.

Witness.

Who are good Witnesses to prove a Nuncupative Will, 4 and 5 Ann. c. 16. — or give Evidence in Actions

A T A B L E, &c.

tions against the Hundred, on Stat.
of Robbery, 8 Geo. 2. c. 16.

Writts.

No special Writts under 10 l.
3 Geo. 2. c. 27.

Yorkshire.

— the Sheriffs not to return
Jurors who have served within

four Years in this County, 3
Geo. 2. c. 25. — 4 Geo. 2. c. 7.

Bargains and Sales how enrol-
led in the West and East Riding,
5 Ann. c. 18. — 6 Ann. c. 35.

Deeds and Wills of Lands how
register'd in the East, 6 Ann.
c. 35. and in the North Riding,
8 Geo. 2. c. 6.

